

BOARD OF SUPERVISORS MEETING MINUTES | JULY 17, 2019

Minutes of the Pequea Township Board of Supervisors Meeting held at 7:00PM on July 17, 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
Cynthia Evans-Herr, Supervisor
K. Scott Edwards, Supervisor

Others present:

Kimberly S. Ulaky, Assistant Secretary
John R. Michener, Chief of Police
Michael J. Pykosh, Solicitor
Drew Harrison, PP&L Contractor
Jonathan Scott, PP&L Contractor
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

- Executive Sessions were held on June 26, 2019 and July 1, 2019, at 5:30pm regarding a personnel issue.
- A Union Negotiation meeting was held June 27, 2019 at 5:30pm with the Bargaining Unit.
- Thanks to K.B.S. Auto Repair and Kenny Stark for donating his time, resources and expertise for the Park truck.

MINUTES OF PREVIOUS MEETING(S): Chair Purdum moved to approve the minutes of the June 19, 2019 Supervisors Meeting. Supervisor Edwards 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 abstained from the vote as she was absent from 6/19/19 meeting.

TREASURER'S REPORT: Chair Purdum moved to approved checks 12191-12224 from the General Fund and checks 1641-1647 from the Recreation Fund. Supervisor Evans-Herr seconded the motion. The motion was passed with all voting in favor; none opposed.

Supervisor Evans-Herr commented that based on residents "on-the-street" comments regarding the Pequea Twp Police Department, she crunched some numbers and found that the current YTD spend by the Police Dept., when you factor in the amount of money they have brought into the township, by various programs, is \$377K. This is only 31.6% of the budget vs. the street comments of 46.45%.

PUBLIC COMMENTS:

- Public comments are encouraged and welcomed from Pequea Township residents and taxpayers, only. 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 and items not on the agenda will be taken prior to the start of the Business Meeting.

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Items on the agenda: Chair Purdum quickly went through the items on the agenda and then asked for any public comments on those items to come to the lectern, state your name and address, and you'll have 3 minutes.

Eric Lucas, 320 Baumgardner Rd., Willow Street- He and his family highly approve of the resolution to "Opt-out" of the Video Gaming Terminals within Pequea Township.

Jackie Johns, 23 Pine Lane, Willow Street- She is also in favor of the Video Gaming "Opt-out" and hasn't heard anyone say that they are for it in Pequea Township. She stated that in the news, the "Opt-out" resolution had to be received by the State Gaming Board, by the end of August. The State also was providing a model resolution for municipalities to mirror. This should save on time and money, for preparing the resolution. Chair Purdum and Supervisor Evans-Herr commented that yes, it was provided and that we would get the resolution to them by the deadline.

Jeff Fry (Bob Detweiler-Pequea BIC Church) 13 Radcliff Rd., Willow Street . Thank you for considering our request again. After talking with Supervisor Race, last year when our request was denied, he suggested we look at another spot on the property to make this service entrance. So we did and had a surveyor and Mark Deimler out to look at the proposed area and it just did not meet any of the qualifications. We went back to the original proposal and had an official drawing done to make this request. Bottom line, myself and Bob Detweiler are getting too old to take the trash down the steps. This is only a service "trash" entrance that will be utilized once every two weeks. The entrance will be chained other than when the time the trash hauler comes to the Church to pick up the trash and then chain goes back across entrance.

Items not on the agenda:

Jackie Johns, 23 Pine Lane, Willow Street – In the past so many people were concerned about the money spent on legal expenses, so I did a RTK and got the figure – from 1/2019 to 6/2019, \$42,450 were just for legal expenses. I'm concerned about some of the items legal expenses were spent on, i.e. Mr. McMichaels; this has gone on for years; can't we get it done? It just keeps adding up money and more money; he's been before the Board of Supervisors, he's been before the District Justice and I know the City of Lancaster has fooled around with same issues for 10 years, at great expense. So I hope this can come to an end.

I did a breakdown of the solicitors' fees – The Union negotiations were \$82K, enforcement and road vacating was \$1K, and the Carter arbitration was 4.1K. It just seems like the legal bills are getting higher and higher and no one seems to be bringing it up. Last year, it was an issue at every meeting. Are you working to clean this up? Yes, the board is working on resolving this issue. The matter of Mr. McMichael's situation is a matter of Public Record that can be viewed on one of the county judicial websites. He did reimburse the township ~10K for the same kinds of violations a few years ago, but he failed to fully comply to resolve the violations. The Board of Supervisors changed; they started the process again, with the current solicitor's advice to try to work with Mr. McMichaels. The Board met with him twice to try to fully resolve the violations; to no avail. By the end of August, he must remove 2 of the trailers or the Township will start fining him \$500.00/day until the order by the County Courts is satisfied.

For those of you with kids and grandkids, the Book Mobile will be at the West Willow United Methodist Church the 2nd and 4th Tuesdays of the month from 10:30a.m. – 11:15a.m. until August 27, 2019. If

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you're looking for a specific book they don't have on hand, give them the info and they will bring it for the next week.

Jared Ngo, 2958 Willow Street Pike, Willow Street. I'm talking about a couple different properties, each pertaining to similar/same situations. 2958 Willow Street Pike, the old Beer Dist., 2096 New Danville Pike, the old "6-Pack", and 6 Rear Baumgardner Rd, right off Rt. 272. Basically we received several violations from the Township, all about the same time for the same kinds of things: abandoned cars, run-down buildings; and we are not contesting this, we are simply asking for more time to complete them. The timeframe given to complete the tasks was about 30 days for all of them. My father had a debilitating hemorrhagic stroke a few months back and he can't physically nor financially complete the items for all the properties all within 30 days. We're just bringing the request back to the board and asking for more time to be compliant on the properties. Chair Purdum stated they need to go back to the Zoning Officer with their request for more time, and that the Township would probably follow his lead on the response. That doesn't mean that the Board can't override his recommendations, but at the moment, that's our position. Supervisor Evans-Herr asked Heap Ngo to put together all that has been done on these violations, and what still needs to be completed and submit that information to the Zoning Officer and the Board and they will come up with a timeline.

Tom Haas, 2194 New Danville Pike, Lancaster. Question on General Fund P&L 414.310 - Professional Zoning Services – what all is included in this, we're up to 43K and we've only had one meeting so far this year. The Chair will have to get back to him on this question. Supervisor Evans-Herr stated that these costs are for Planning and Zoning items that go through Solanco Engineering Associates and not the Zoning Hearing Board. These fees are often offset by income for the Township from the transactions.

OLD BUSINESS: none

NEW BUSINESS:

1. Administer Oath of Office to Rodney Stolfus and Peter Stauffer, West Willow Fire Police Officers

Both gentlemen were sworn in and congratulated by Chairman Purdum. Thank you both for your willingness and commitment to serve as Fire Police Officers in Pequea Township!

2. Consider Amendment of Public Utility Easement for PPL at Silver Mine Park

We have Drew Harrison and Jon Scott, from Contract Land Staff, LLC, representing PPL Electric Utilities, here to give a brief overview of the project and to apprise us on exactly what these documents are that you've requested the Chair to sign.

Drew: Essentially what we're doing is updating the language and original easements, via these Public Utility Amendments for this particular corridor, signed over by Conestoga Transmission in March 1913. We want to define the easement width of 100 feet, which is what we already have and the line that is affecting the North and South end of Silver Mine Park. We have a pole to pole replacement project slated to begin December/January. Wherever there is a pole now, there will be a new structure; the lattice structure is taken away and a steel monopole is put in its' place. It will be a smaller foot print for the Park, and this is the first step before they get into the construction process. The PPL project is called "Facerock to Millwood Line" and it's a 69 kilo volt line that

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transmits between those 2 substations. Supervisor Evans-Herr moved to approve the project as presented; Supervisor Hlavacek seconded the motion. The motion was approved with all voting in favor; none opposed.

3. Consider Virtual Gaming Terminal opt-out

Chair Purdum moved to approve Resolution 519-2019 to prohibit video gaming terminals at locations within Pequea Township; Supervisor Evans-Herr seconded the motion. The motion was approved with all voting in favor; none opposed. The State Gaming Board provided a template resolution to follow should municipalities decide to “opt-out”. Interestingly, Lancaster County is the only County in the Commonwealth, where municipalities can utilize a resolution, without legislation approving their “opt-out”.

4. Consider Pequea BIC Church Driveway request

Board discussion prior to motion with Solicitor Michael Pykosh on conditional approvals, in general. Chair Purdum asked what if a conditional approval is given and the party just uses, in this case, a driveway/service(new)entrance, outside of the approved conditions; how do you enforce that? Mr. Pykosh’s response was that in this instance, the conditions need to be specified on the permit, as it is not a true conditional approval. If the conditions on permit are violated, then legal recourse would be to file an injunction. Chair Purdum made a motion to approve the driveway/service(new)entrance request based on the recommendations set forth by Solanco Engineering Associates, LLC, in a letter to Pequea BIC Church dated July 9, 2019, to include Pequea BIC Church’s statements: *1. The new entrance will have an 8” diameter steel post on either side of it with a large chain and padlock with a large sign stating “No Entry”, which will prohibit any random through-traffic from entering. 2. The “Entry Way”, will be unlocked by one of our custodial staff on a semi-weekly basis for a waste truck to pick up the refuse. The custodian will monitor the entrance and exit of the waste truck. At that point, the chain will once again be padlocked to the steel posts at either end*. Vice Chair Cazillo seconded the motion. The motion was passed with all voting in favor; none opposed.

5. Consider the feasibility of moving the Pequea Township Police Department to West Willow Fire Department

Mr. Purdum and Mr. Cazillo (on their own with no board direction) had the opportunity to meet with the New Danville Fire Company’s Board of Directors, back in April. Their board had one question and that was, where are we going? The answer is, it’s not on our radar, so we don’t know. At some point, the meeting room for the Township currently housing the PTPD, will need to be utilized again for Township meetings. Mr. Purdum & Mr. Cazillo also had an informal conversation with Chief Jason Topper and another board member of West Willow Fire Co. to see if this would be a possibility. Yes, there is a possibility – is WWFC the best or right fit for the PTPD; that is the question. Prior to the Board discussing a move, the Chair would like to know where the public is at and would be willing to meet one on one for input. As a board, we need everyone’s input as well; and when we make a motion, we shouldn’t limit ourselves to WWFC’s property. If there are potentially other locations that we can look at, we should consider them. But we definitely want to explore the possibility with West Willow because the cost would be just right and it could be a good fit for both entities. Supervisor Hlavacek commented that he thought it was a good location for the PTPD, in close proximity of the populace, but that the configuration of the structure may not fit their requirements. He’d like to hear from the Police on their thoughts. The Chair and Chief Michener have talked about this at some length and the Chief will be fully involved in this and whatever we do, it will meet their needs. We’re not making any decisions tonight. We’re just formalizing, as a board,

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to look into options. Supervisor Evans-Herr asked if the new Board members knew what the cost was to retrofit the Township meeting room to house the police when they were moved from Conestoga to Willow Street? The answer is no, but we still have to think about the fact that we don't want to ask the NDFC to permanently make their meeting room the Township's meeting room for 3 meetings a month, when it was to be a "short time" usage request. Supervisor Evans-Herr stated that it was a 2 year usage request. Other options were explored to house the PTPD and at the 7th hour, Chief Michener stated that he thought the department could utilize the Township meeting room and it worked. At that point, everything was retrofitted to make the meeting room a working police station. Chair Purdum made a motion to authorize himself, Vice Chair Cazillo and Chief Michener to look into viable options to consider moving the PTPD. Supervisor Edwards seconded the motion. Supervisor Hlavacek said that he would like to see the money aspect of any viable options and Supervisor Evans-Herr said that she would like to know when an Engineer would be involved to make sure that the Township is in compliance with any viable options. The motion was passed with Chair Purdum, Vice Chair Cazillo, and Supervisors Hlavacek, and Edwards voting in favor; Supervisor Evans-Herr was opposed.

6. Consider 2019-2020 winter municipal snow removal renewal contract with Penn DOT

Chair Purdum made a motion to renew the 2019-2020 winter snow removal contract with PennDOT. Supervisors Evans-Herr and Vice Chair Cazillo seconded the motion. The motion was passed with all voting in favor; none opposed.

7. Consider requesting reimbursement from Conestoga Township for repairs to snowplow incident in January 2019

Chair Purdum made a motion to respectfully approach Conestoga Township, apprise them of the dollar amount and see if they would be willing to help cover some of the cost for the damages incurred when this snowplow incident occurred. The motion was seconded by Supervisor Edwards. The motion was passed with Chair Purdum, and Vice Chair Cazillo, Supervisors Hlavacek, and Edwards voting in favor; Supervisor Evans-Herr was opposed.

8. Consider resolution appointing Treasurer as Signatory for SRPC checking account with PNC Bank

Chair Purdum made a motion to approve the Treasurer as the Signatory, for the purpose of this Resolution. The Resolution number is 518-2019. It was seconded by Vice Chair Cazillo. The motion was passed with all voting in favor; none opposed.

9. Consider a hearing for an ordinance to remove parking signs on Casey Drive

Chair Purdum made a motion to call for a hearing and ordinance to remove the parking signs on Casey Drive. It was seconded by Supervisor Edwards. The motion was passed with Chair Purdum, Vice Chair Cazillo, and Supervisors Hlavacek and Edwards voting in favor. Supervisor Evans-Herr was opposed.

10. Consider repairs to yellow Peterbilt dump truck

Supervisor Edwards made a motion to authorize Haverstick Brothers to diagnose and repair the Yellow Peterbilt truck at a cost of up to \$6000.00. It was seconded by Chair Purdum. Supervisor Evans-Herr requested what year the truck is – 1996? The truck is in good shape for its age. All that is wrong with it is, there is a problem with the hydraulic system. To diagnose a hydraulic problem requires getting into the hydraulic system itself; then you're already incurring costs. That's why we're authorizing a repair amount not to exceed \$6000.00. Supervisor Edwards's rough guess for a

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hydraulic pump itself is \$1800.00 to \$2500.00. He made the “not to exceed” amount a little high as labor cost is \$81.00 per hour + the cost of the hydraulic pump; he’s hoping the total repair comes in at about ½ the authorized amount. The hydraulic system operates the dump bucket, the plow and the salt spreader. Not having this truck in service would be detrimental to this year’s snow removal. Supervisor Evans-Herr requested the service log/maintenance records for the truck, stating that a lot of money was put into this truck in 2014. Is it time to replace it vs. fixing it? The motion was passed with Chair Purdum, Vice Chair Cazillo, Supervisors Hlavacek and Edwards voting in favor; Supervisor Evans-Herr was opposed.

11. Reconsider planting 100 tree seedlings in the Fall within the riparian buffer between Boxelder Row and the Pequea Creek

Chair Purdum made a motion to reconsider planting the trees in the Fall between Boxelder Row and Pequea Creek. Supervisor Evans-Herr had requested to remove this item from the agenda since there was no interest in planting the trees and the planting was contingent on probing being done in the area. The probe was done and it was so deep that you needed a shovel just to find that. The motion was passed with all voting in favor; none opposed.

12. Consider Sierra Grant return

Chair Purdum made a motion to return all grant monies to the Sierra Club, that have not been used. The motion was passed with all voting in favor; none opposed.

13. Consider options for disposing of Police Blazer

Chair Purdum made a motion to authorize Chief Michener to look for other options to dispose of the Police Blazer, any way he sees fit. Supervisor Evans-Herr mentioned that it could be donated to the fire companies for their use in vehicle accident/fire training. The motion was seconded by Supervisor Edwards and Vice Chair Cazillo. The motion was passed with all voting in favor; none opposed.

14. Consider advertising and hiring a Secretary for the Zoning Hearing Board

Chair Purdum made a motion to remove this item from the agenda and take no action. The motion was seconded by Supervisor Evans-Herr. The motion was passed with all voting in favor; none opposed.

The Addendum agenda items will come after the reports and updates:

REPORTS and UPDATES:

Pequea Township Police Department – Chief Michener delivered the Police Report for June 2019. There were 378 total incidents in June that included 11 crashes, 12 reported crimes, 95 traffic citations, and 23 warnings were given. Criminal arrests, 3,836 miles were traveled in June. The reported crimes included 2 sexual assaults, 2 simple assaults, and 1 each of the following: disseminating intimate images of a minor, theft by unlawful taking, retail theft, fraud, DUI, disorderly conduct, criminal mischief and 1 misdemeanor traffic offense for a 3rd or subsequent offense driving under suspension or DUI for a prior related arrest. There were 72 hours of vacation and 0 hours of sick time utilized. Some of the incidents of note: On 3 June officers were dispatched to the 100 block of Marticville Rd, for a domestic disturbance involving a knife. A 29 year old female threatened her husband with a large knife and tried

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multiple times to slash his tires as he tried to flee the scene. She was charged with simple assault and terroristic threats. On 7 June Sergeant Burger filed DUI charges on a juvenile from Conestoga resulting from a crash in April on the New Danville Pk. On 11 June, after we received some complaints from the Public Works Dept., about vehicles going around road closed signs, during road construction I took some time and sat in the closed section of W Penn Grant Rd and observed a vehicle going around 2 road closed barricades. Stopped the vehicle and the female from Lancaster was found to have a suspended driver's license from a prior DUI arrest and she had 2 previous convictions for DUI which resulted in an arrest for a misdemeanor, all for going around a road closed sign. I investigated a theft at a residence in the 2100 block of New Danville Pk. That was involving a family member where \$2000 worth of property was stolen. She has felony charges against her and there is actually an active arrest warrant against her; she has fled to MD. On 13 June, Officer Byrnes stopped a vehicle on Willow Street Pike for driving erratically. The driver was a 51 female from New Providence and she had a blood alcohol level 3 times the legal limit. On 19 June, Sergeant Burger was called to the 600 block of Baumgardner Rd., for a verbal altercation between 2 males. During such time, the 41 year old male from Strasburg displayed a handgun and threatened the victim. He was charged with simple assault and possessing instruments of crime. On 24 June, there were 4 crashes in one day. On 25 June, a 12 year old female was contacted on social media, specifically Instagram and the subject talked her into sending intimate images of herself. This is still under investigation. And the most interesting one was a young man that failed to see the big red firetruck that was stopped at the red light and drove right into the rear of it, at a fairly good speed. He was doing such with no car insurance. On 20 June, about 11pm, there was a crash on the 2100 block of Millersville Pike, by Outdoor World / Circle M. It was a one vehicle crash and Officer Vital arrived in a minute to find the car into the embankment, and smoking – the driver was unconscious. She was able to break a window and with the help of Sergeant Shaeffer from Millersville Boro, and a civilian, pull the man out of the vehicle and carry him across the road to safety. When his blood alcohol came back, it was about 3 times the legal limit, so he will be receiving some things in the mail as well. National Night Out is coming up. It's on August 6th, from 6-8pm at the West Willow Fire Company's grounds...Come out for a fun night!

Pequea Township Public Works Department – June Liaison report is on the table

Lancaster Inter-Municipal Committee – Vice Chair Cazillo is representative-met week of 7/8/19 –Ironed out details of working with LIMC.

Suburban Lancaster Sewer Authority – Supervisor Evans-Herr is representative-met May 30th-\$1M bond re-issued, SLISA maintains an A rating and they are looking to retire a \$1M debt in 2020 budget. There was no rate increase in 2019.

Zoning/Coding Enforcement Officer – Report on file

Pequea Township Zoning Hearing Board – August 6, 2019 ZHB Mtg.:

1. *Special Exceptions sought for Steudler Property for car Wash, fueling station and retail stores*
2. *Special Exception sought for Oak Hill Partners for "multi-family dwellings" in R2 zone*

Pequea Township Planning Commission – July 31, 2019 PC Mtg.:

1. *Review/Consider SA-FE Management Land Development Plan Preparation Lot 6 Millwood Industrial Park – Kendig Road. Construct two (2) Manufacturing Buildings for the manufacture of windows*

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There are 2 addendums to be added to the agenda. These items came in after the agenda was finalized, so a motion will be made to put on the agenda and if two supervisors second the motion, then a motion will need to be made to approve the two addendum items.

Chair Purdum made a motion, to add an item to the agenda, to authorize the Chair to sign Section 147F Form for the New Danville Fire Company to finance the purchase of a firetruck. The motion was seconded by Vice Chair Cazillo and Supervisor Edwards.

15. Addendum to Agenda-New Danville Fire Co.- Section 147(F) Form

Chair Purdum made a motion to sign Form – Section 147(F) Approval and Written Contract for the New Danville Fire Company to finance the purchase of a firetruck. The motion was passed with all voting in favor; none opposed.

The signing of this form does not obligate the Township in any way, shape, form or manner. It does not assume that if they default on payment, the Township is responsible. It is purely a standard protocol for an elected official to sign for the NDFC to recognize that they are entering into a contract to finance the equipment. A public meeting will be held July 24, 2019 at the New Danville Fire Company at 7PM for final approval following Pequea Township's acknowledgement of the Section 147F Form.

Chair Purdum made a motion to add to the agenda, to authorize that the monies collected for National Night Out are donated monies and will be utilized to pay invoices for the 2019 National Night Out expenses. The motion was seconded by Vice Chair Cazillo and Supervisor Edwards.

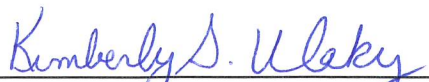
16. Addendum to Agenda- 2019 National Night Out Expenses

Chair Purdum made a motion to approve Chief Michener to oversee the monies collected are donated monies and that they will be added to the Pequea Twp. Donation Fund. All 2019 National Night Out expenses will be paid from the Donation Fund and the invoices for those expenses will not exceed the monies in the Fund. The motion was passed with all voting in favor; none opposed.

ADJOURNMENT

Chair Purdum adjourned the meeting at 8:10pm

Respectfully Submitted,



Kimberly S. Ulaky, Assistant Secretary

Lequea Township

Sign-In
Sheet

Board of Supervisor's Meeting 7/17/19

1. ~~Jeff~~
2. ~~Jeff~~
3. GREG DeMascio
4. DENNIS MILLER
5. Rocky D. Stolt
6. ~~Walt Hall~~
7. Will D. Dunn
8. Jackie John
9. ~~Paul H.~~
10. Rob Reidenbach
11. ~~Eric Lucas~~
12. Eric Lucas
13. Elain Jones
14. Dawn Carlet
15. Tim Weaver
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