

## **BOARD OF SUPERVISORS MEETING MINUTES | OCTOBER 16, 2019 7:00 PM**

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Minutes of the Pequea Township Board of Supervisors Meeting held at 7:00PM on October 16, 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, Secretary  
John R. Michener, Chief of Police  
Christopher J. Gleeson, Solicitor  
Sign-in Sheet Attached

**CALL TO ORDER**

Chair Purdum called an Executive Session, to discuss a legal matter, prior to the start of the Business Meeting at 6:45pm

**ANNOUNCEMENTS**

- Union negotiation meeting Tuesday, October 1, 2019 @ 5:30pm
- Rawlinsville Road Bridge Rehabilitation Project complete
  - Temporary "Detour" STOP Signs removed by PennDOT from Baumgardner Rd @ Route 324S and Millwood Rd @ Baumgardner Rd intersection
- Effective October 1, 2019, LCSWMA will no longer be accepting Yard Waste from Waste Haulers. Pequea Township residents should check with their individual Trash Haulers for their policy

**MINUTES OF PREVIOUS MEETING(S):**

The minutes of the September 18 BOS meeting are not available for approval due to some personnel staffing issues. They will be available for approval at the November BOS Meeting.

**TREASURER'S REPORT:** A copy of the bill list is on the table.

Chair Purdum moved to approve checks 12338-12360 from the General Fund, checks 1671-1678 from the Recreation Fund, and check 1157 from the Donation Fund. The motion was seconded by Supervisor Evans-Herr. The motion passed with all supervisors voting in favor; none opposed.

**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 may 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. In addition, much like last month, public comments will be limited to a total of 30 minutes. We want as many to talk as possible; therefore, I'm asking Supervisors to refrain. I will not add more time, due to Supervisors are talking over comments. I ask the public to recognize

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that this is not a public forum, it's not a public debate, and it's not a public Q&A session. It's your time to express your views to your fellow residents and to the Board of Supervisors.

Items on the agenda:

Jackie Johns, Pequea Twp: The budget meetings were very interesting. First, they were scheduled when a lot of people, working people, could not attend at 9:00am. Then it was a marathon like no other budget meeting I've ever attended; 6 hours long, without a lunch break. They were normally about an hour and the public was allowed to participate, but we weren't able to do that this time. We were able to ask questions at the end; however I don't even know if anyone was left at the end, I had to leave around 2pm. Ms. Johns was curious why the Chief of Police's budget portion wasn't done until 2pm; it should have been first so that he could go back on duty for the rest of the day. It was a waste of Police time and it was the worst budget workshop I've ever seen. And then there was \$40K added to the Police budget and nobody could really figure out why? The Park budget seemed to be way over as well, \$138K – very interesting! The 2<sup>nd</sup> thing under old business – Discuss the future size of the Pequea Township Police Department. I think that is why most of you are here tonight. It seemed like that budget was well in line, however he was starting to run short with 6 people, but still in line. So the budget was in line for that, but a lot of the other (categories) stuff was over. Because the other stuff was way over, I think he probably should have enough money to get his 7<sup>th</sup> person. So if any of you have an opinion, now's the time to speak, because if you don't get up now, you don't get to talk.

Susan Roland, Pequea Twp: I just want to reiterate that we should not downsize our police force. If we need to increase taxes, it's not a lot of money to ask for – it's a ½ a mil and that is not a lot of money to keep our police force as it is now.

Keith Haun, 16 Cobblestone Dr.: To clarify some things on the 10/15/19 budget meeting, I was there for the entire thing. The \$40K that Jackie was talking about is for a possible settlement for one of the police officers that the Board of Supervisors decided to fire a year or two ago. It's currently sitting in the General Fund under legal fees – that's where the money is supposed to come from if they decide to settle and pay out that amount, half this year and half next year. But that's where the money will come from this year since that's where it's allocated now. They made that decision to move the money into the police budget as an expense. It was a decision made by the Board of Supervisors, it had nothing to do with what Chief Michener wanted. That was the argument that was made yesterday; unfortunately, there were till 4 votes that said that's the way it will be.

Heap Ngo Nguyen, 2958 Willow Street Pike: I would like to put it on record, that Supervisor Evans-Herr had been harassing me 3-4 times/week prior to the election. She wanted me to remove the Eric Lucas for Supervisor signs and replace them with the "Keep Pequea Township Police 24/7" signs. I feel this is a conflict of interest; as she works for the other Beer Distributor that is my competition in Willow Street. And now she's using her position as a Township Supervisor to bully me on the signs by looking for issues at my place of business causing the Code Enforcement Officer to come looking for something that has been conveyed to him; but there's no basis for it. This is not a leader; it's dirty politics. Thank you.



Items not on the agenda:

Keith Haun, 16 Cobblestone Dr: I think everyone has been reading the newspaper for the last 3 months and knows all the issues that are being looked at in the township. I feel like the residents don't have much confidence in the 5 Supervisors on this board. You have 1 that doesn't do things the right way, one that doesn't say anything, one that acts like a dictator, one that follows the Chair's lead, and one that doesn't say much. Next month is the election. Eric Lucas who is on the ballot hasn't been to the last 3 meetings. Why? You should think about that when you go to the polls. So when you vote next month, think of a write-in candidate; you can always write-in my name – Keith Haun. I could be the sound voice on the Board of Supervisors since these 5 can't seem to get along and get through a meeting without fighting, etc.

Rob Reidenbach, Pleasantview Dr: I believe Eric Lucas has been to every meeting except the last 2? On the dysfunction of the board, I'm a little hesitant to criticize these 5; yes, criticism is warranted, but having sat in one of those seats, I know how difficult their job is. I don't envy them having to make the difficult decision they have to make; it's not their fault. Everyone would like to keep the 24/7 police force, but there are other budget issues that need to be addressed.

## **OLD BUSINESS:**

### **1. Discussion about the future size of the Pequea Township Police Department**

Each Board member may share their perspective on this agenda item:

Chair Purdum: I ran for the position on this board, with my campaign being about fiscal responsibility. Legal fees was a big item. I was not really aware of the turmoil of the SRPD being ended. That was not on my radar. The PTPD was about ½ of the Township budget. According to PSATS ( PA Society of Township Supervisors) states that a police budget should be 1/3 of the total Township Budget. In August this line item was put on the agenda to get the publics' perspective. Many senior citizens have said to me, please don't raise taxes. Unfortunately, we would have to raise taxes for 5 years to keep the full 24/7 force. We shouldn't raise taxes now because Pequea Township acquired a \$350K deficit in 2018; now it's a \$700K deficient. I can't do that to senior citizens.

Supervisor Hlavacek: Raising taxes for next year, can't get you to what you're looking for. The PTPD needs too much money to be 24/7. The roads lose out, there are no sidewalks where there need to be, and this is a public safety issue. Conestoga Twp. left the contract 3 years early, leaving \$350K to 1.4 million dollars deficit; but this shouldn't come out of citizens pockets. I'm good with 1/3 of the total Township Budget being used for the Police Department is acceptable. But 40-50% of the total budget is not acceptable, and we can't sustain that for the foreseeable future. Raising taxes for 1 year won't keep up with the increases of what the PTPD will need, that would require several years of raising taxes each year.

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Supervisor Edwards: Conestoga Township got out of the contract 3 years early at a cost of what should have been \$443K but they were paying a reduced cost of \$350K. They were authorized to renege on the contract by three years and that cost Pequea Township \$1.4 Million; that came out of everyone's pocket in here (every Pequea Twp resident).

Supervisor Cazillo: Usually, I use my eyes and ears, a lot more than my mouth. Last year, when we had the candidate forum, the 24/7 police force was a non-negotiable; it's something you make room in a budget to have a police force. But now, too many other things need to be done. Mr. Reidenbach was correct; this is painful for me, but there are too many other things that need to be done in this township. Moving forward there are lots of things that I need to be conscious of. I don't think now that keeping the department at its current size would be responsible.

Supervisor Evans-Herr: In 2016, Rob Reidenbach & Don Flick resigned at the same time and left the Board of Supervisors w/o a quorum, until Bob Race & Bill Schall were appointed. Both had served the township in the past, but nevertheless we were left with the same challenges as this board to get money to keep everything afloat and to get things done. So we took up conversation with Conestoga Twp. – every township is unique as is every police association/commission; but Conestoga doesn't have a lot of money, they're not a growth township, they don't have public sewer or public water and as time ticked on, they couldn't afford to pay their portion for police protection. They came to us and said, we can no longer afford to pay our portion of the Regional Police Dept./Police Commission; so, we had to do a very difficult thing and release them from the contract, aka the Articles of Agreement, but it was the right thing to do. We respected the fact that they came to us and stated that they couldn't afford and couldn't pay their share, so we acquiesced, out of respect for the Township of Conestoga and its residents. Where were the residents back when we had this situation; where were my colleagues? Thank you for your time.

Chair Purdum: Thank you to each Supervisor for sharing your thoughts and perspective on this issue. With that being said.....Chief Michener requested the opportunity to speak as well and it was granted.

Chief Michener: May I speak; I appreciate the opportunity as I know you didn't have to give me the time. For all the good things that were said about my department and officers, I appreciate the kind words. I know my officers do what they can with what they have and they over-achieve more so than any other department that I know. And, back to the Board from the PTPD, I don't envy you, whatsoever. I understand the position that you're in, and anything said is in no way personal towards the Board. I do, however, have some questions: Does anyone have a budget worksheet here.....The projected numbers for 2019 have us in the "green" by almost \$200K. Chair Purdum interjected that we all agreed that those numbers were not adding up. Chief Michener: that's why I'm asking. Plus, the projected revenue states \$1.4 Million- not accurate either? Also we don't have any real numbers for projected revenue, like property taxes, etc. ? Chair Purdum said no we don't, that's correct. Chief Michener: Correct me if I'm wrong; the police expenses in 2019 went down, even with the \$40K of legal fees added to the police budget. I don't necessarily agree with this addition, but the decision has been made, I get that. Contributing to the expenses going down was the return of one of my officers from the Drug Task Force (DTF), which caused us to lay off another full time officer – so that's a salary missing from the total. The officer's salary working with the Task Force was being reimbursed by the DTF making an additional revenue coming in. Now I won't have that income from the DTF. So before the legal fees came in, the expenses were \$6K, now it's \$46K. So what I'm saying is that with the numbers I have in front of me and from my view – maybe these numbers are inaccurate, I don't know. But, it doesn't look like it's as much



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of a financial hardship as it's being projected. All I'm asking is that the Board hold off on this until we get the real numbers of income, etc. before making this difficult decision. I just want to make sure that the decision would be based on correct information and all the numbers included. That's all I ask!

Chair Purdum: I appreciate your perspective. If we put the numbers in right now, factoring in that income could go up 1.5 – 2, maybe 3% if we're lucky, and with that input into what we had yesterday, we are still upside down, anywhere from \$100K to \$125K or \$150K dollars. Chief Michener interjected that at the end of the day we were @ \$112K.

We budgeted \$0 for roads again yesterday, for the fourth year in a row. The State dropped the Liquid Fuels money again to the township; and we can't live on Liquid Fuel money to begin with.

I have heard from more folks that are in favor of lessening the police coverage, than those of you that come to the meetings. I've asked them to come to the meetings, but they won't! They feel the atmosphere is not conducive to voicing their opinions at the lectern because of this.

I've kept this item on the agenda since August to gather public comments from the residents on the plus side and the minus side and to be transparent and honest with the public. Many of you wonder why this wouldn't be put on ballot to be voted upon. I've spoken to Senator Aument about this and am still not sure that there is a mechanism or a state law that allows us to do this.

Chair Purdum moved that effective at 12:00AM, January 1, 2020, that the Pequea Township Police Department reduce the full time officers from 6 to 4. Furthermore, we will instruct Chief Michener to notify the State Police that coverage will be needed for a full shift at his discretion. The motion was seconded by Supervisor Edwards. Supervisor Hlavacek said that he thought the police force was going to be 5 full time officers as a result of a reduction. The motion was passed with Chair Purdum, Vice-Chair Cazillo and Supervisor Edwards voting in favor; Supervisor Evans-Herr and Supervisor Hlavacek were opposed.

### **2. Consider approving a grievance settlement and re-appoint Township Police Officer**

Chair Purdum moved to offer a grievance settlement for a former Pequea Township Police Officer, Diane Carter, as follows: a one year salary of \$69,542.00 as per the collective bargaining agreement, to be paid out ½ this year and the other half in 2020 via a 1099. Secondly, take \$10K to make up for a loss in pension monies paid out on a separate check, to Diane Carter, subject to the drafting of a final written settlement agreement acceptable to special counsel. The motion was seconded by Vice-Chair Cazillo. The motion passed with Chair Purdum, Vice-Chair Cazillo, Supervisor Hlavacek and Supervisor Edwards voting in favor; Supervisor Evans-Herr was opposed.

### **NEW BUSINESS:**

#### **1. Consider signing Pequea Township letter to Penn DOT – Route 272 Corridor Project/Radcliff Road Bridge Repair – request in conjunction with Providence Township letter for same**

Chair Purdum made a motion to approve and authorize the Chair to sign the Pequea Township Letter to PennDOT for the Radcliff Road Bridge repair. The motion was seconded by Supervisor Hlavacek. The motion passed with Chair Purdum, Vice-Chair Cazillo, Supervisors Hlavacek & Edwards voting in favor; Supervisor Evans-Herr was opposed.

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### **2. Consider request by Sanchez & Associates on behalf of Sa-FE Windows-Lot 6 Millwood Rd for approval of sewer capacity release of two (2) EDU's, contingent upon approval from SLSA**

Chair Purdum made a motion to approve the release of two (2) EDU's for the project on Lot 6 Millwood Industrial Park, per the recommendation of the Township Zoning Officer. The motion was seconded by Vice-Chair Cazillo. The motion passed unanimously, with all Supervisors voting in favor.

### **3. Consider Myers Partnership Minor/Final Subdivision and Lot Add-On proposal acceptance as a Non-Building Lot Subdivision**

Chair Purdum made a motion to approve the Myers Partnership final subdivision and lot add-on as a non-building lot subdivision as per the requirements stated by the Township Engineer in a letter dated, September 29, 2019. The motion was seconded by Vice-Chair Cazillo. The motion passed unanimously, with all Supervisors voting in favor.

### **4. Consider approval of Final Agreement with AFSCME Union**

Chair Purdum moved that the Board of Supervisors approve the final agreement with the AFSCME Union for the Public Works Department; and authorize the Chair to sign the agreement. The motion was seconded by Vice-Chair Cazillo. The motion passed with Chair Purdum, Vice-Chair Cazillo and Supervisor Edwards voting in favor; Supervisors Evans-Herr and Hlavacek were opposed.

### **5. Consider Andy Lacock Paving, 280 Baumgardner Rd., request to make repairs/repave the section of roadway ~12 feet wide X ~ 75 feet long, in conjunction with the replaving of his equipment driveway entrance and parking lot. This would be free of charge to Pequea Township**

Supervisor Edwards made a motion to take no action on this agenda item. Vice-Chair Cazillo seconded the motion. The motion passed unanimously, with all Supervisors voting in favor.

### **ADDENDUM – Agenda Item(s)**

Chair Purdum made a motion to add the agenda item for the Chair to authorize & finalize a contract with Tri-Starr Temporary Agency for the purposes of securing a temporary part time treasurer.

And, secondly that we move that Connie Kauffman be hired as a temporary administrative assistant for the purposes of inputting accounts receivable and payables. The motion was seconded by Supervisor Edwards and Vice-Chair Cazillo and the motion passes.

### **1. Consider authorizing and finalizing a contract with Tri-Starr Temporary Agency for the purposes of securing a temporary part time treasurer**

Chair Purdum made a motion to authorize the Chair to finalize a contract with Tri-Starr Temporary Agency for the purposes of securing a temporary part time treasurer that may lead to permanent employment at a price not to exceed \$30/hour and not more than 30 hours per week. The motion was seconded by Vice-Chair Cazillo. The motion passed unanimously with all voting in favor.

### **2. Consider hiring Connie Kauffman as a temporary Administrative Assistant for the purposes of inputting accounts receivables and payables.**

Chair Purdum made a motion to hire Connie Kauffman as a temporary Administrative Assistant for the purposes of inputting account receivables and payables at a rate of \$20/hour. The motion was seconded by Supervisor Edwards. Supervisor Hlavacek questioned if she should be hired as Assistant Treasurer. No, She will be working under the Assistant Treasurer to go in and put in the accounting data and cut checks, but the Assistant Treasurer will remain Kim Ulaky as the bond is in her name currently. The



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motion passed with Chair Purdum, Vice-Chair Cazillo, Supervisors Hlavacek & Edwards voting in favor; Supervisor Evans-Herr was opposed.

### REPORTS and UPDATES:

Pequea Township Police Department – Chief's Report is on the table. Chief Michener would like to highlight a couple items here because there is also some public recognitions that I'd like to share. But before I get into that, I want to thank Kim for helping me out with my budget, quite a bit, when we were left rather abruptly without a treasurer, a week before the budget workshops were to be held. She did a lot of emailing and information gathering for me. She sits over there all quiet and nobody really knows she's there, but she does a lot of work during the day and I just want to thank her for really helping me out.

Secondly, on the 14<sup>th</sup>, Officer Huyett was dispatched to an address on the New Danville Pike. She was dispatched there for a 49 year old male, who was on the scene. He was homeless and was at the home of an ex-girlfriend, who is the Mother of his child. He was causing a disturbance; threatening to harm her and blow the house up. Officer Huyett arrived and was met at the door by this male, who was holding his 4 year old child, who was extremely frightened and the male was very angry and it was a difficult situation. In the law enforcement community, escalation is a "hot button" word now; because they are trying to stop the "use of force" resulting in serious injury or death. It's something that I push on my officers; we don't like to be heavy-handed. If we can go in and de-escalate a situation, that's what we try to do, if we can safely. I've sent my officers to training for this and that's how we react to these situations. Officer Huyett was able to calm the gentleman down to the point, where he handed the child to her and she was able to get the child to safety before she arrested him without issue. I bring this up because these are the type of situations you don't hear about on the news, because nothing really happened because of the way it was handled. But if it's not handled correctly, it makes national news. She did everything the correct way, everything that I've asked her to do and the way she's trained. She's not here tonight, but I'd like to recognize her for that!

Another incident occurred later in the month. Officers Blank and Huyett was working that evening and were dispatched to the home of an unconscious person. They arrived well before the ambulance; entered the home and CPR was being performed, but she had a very shallow pulse. It was a suspected overdose – they began rescue breathing and administered 2 doses of Narcan. They had the female awake and talking before the ambulance arrived. These are the kind of responses that save lives and I want to commend both Officer Blank and Huyett for their service and saving a life.

Pequea Township Public Works Department – Public Works September report on table

Lancaster Inter-Municipal Committee – Representative's Update – Information on the Census was given

Suburban Lancaster Sewer Authority – Representative's Update

Zoning/Coding Enforcement Officer – Report on file

Pequea Township Zoning Hearing Board – none

Pequea Township Planning Commission – none

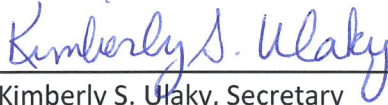
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### ADJOURNMENT

Chair Purdum adjourned the meeting at 8:00 PM

Respectfully Submitted,



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Kimberly S. Ulaky, Secretary



Ordinance Hearing - 6:30pm

Sign An  
Sheet

Pegua Township BOS mtg. - October 16, 2019 7:00pm

1. Charles A. Morris
2. Richard & Patricia Cummings
3. Tim Trostle - Strausser Surveying
4. Dennis Miller
5. Christine Denise
6. Earl H. J.
7. Steph White
8. Jeff & Della Keider
9. Marybunge
10. Michael Rantz
11. Claire Jones
12. Ling R. H.
13. Margie Maisel
14. John H. H.
15. JESSE BLANK
16. Jackie Johns
17. Andrew Holland
18. Hannah-Mae Thomas
19. PAUL KRALICK
20. James E. Paul
21. B. Shank
22. Greg DeMoro
23. Sandra Craig
24. Lisa Tapp
- 25.
- 26.
- 27.

Charmaine Learning Institute

Lower Elementary 100-1000

1	Charmaine Learning Institute
2	Michael & Patricia Cummings
3	Jim Gault - STEAMER
4	Dennis Minter
5	Michael Minter
6	Carl Galt
7	Steph White
8	Bill Galt
9	Michael Minter
10	Michael Minter
11	Carl Galt
12	Carl Galt
13	Michael Minter
14	John Galt
15	John Galt
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