

BOARD OF SUPERVISORS MEETING AGENDA | November 20, 2019 7:00 PM

CALL TO ORDER

Pledge of Allegiance

- **Appoint temporary Secretary for November 2019 BOS Meeting**

With the board secretary on vacation, Chairman Purdum moved to appoint Vice Chair Cazillo as temporary secretary, Supervisor Hlavacek seconded, and the motion was passed unanimously.

ANNOUNCEMENTS

- At the close of 2019 and immediately after the 1/6/20 Re-Org Meeting, Pequea Township will have several openings for the various Boards:

Board of Auditors will have 2 vacancies | Planning Commission will have 1 vacancy

Zoning Hearing Board will have 1 vacancy

Interested persons should get their "Letter of Intent" to the Township Office for consideration.

Chairman Purdum wished everyone a happy Thanksgiving and indicated that Jeff Kreider will be putting in a letter of intent to serve again on the zoning hearing board and that Supervisor-Elect Lucas will also be creating a vacancy on the planning commission. Any interested applicants should submit a letter of intent to the township secretary.

MINUTES OF PREVIOUS MEETING(S):

Consider approving the minutes of the September 18, 2019 Board of Supervisors Meeting

MOTION _____ SECOND _____ *DISCUSSION* AYE _____ NAY _____

Consider approving the minutes of the October 15, 2019 BOS Budget Workshop I Meeting

MOTION _____ SECOND _____ *DISCUSSION* AYE _____ NAY _____

Consider approving the minutes of the October 16, 2019 Board of Supervisors Meeting

MOTION _____ SECOND _____ *DISCUSSION* AYE _____ NAY _____

Consider approving the minutes of the October 29, 2019 BOS Budget Workshop II Meeting

MOTION _____ SECOND _____ *DISCUSSION* AYE _____ NAY _____

Chairman Purdum made one motion to approve the minutes for the September Board of Supervisors meeting as well as the minutes for the budget workshops on October 15th and 29th. Supervisor Edwards seconded the motion, and it passed unanimously. The October 16th Board of Supervisors meeting minutes were not complete at the time of the November meeting due to a technical difficulty with the recording and were omitted from the motion.

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

Checks 12361-12431 from the General Fund Checks 1679-1693 from the Recreation Fund

MOTION _____ SECOND _____ *DISCUSSION* AYE _____ NAY _____

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Chairman Purdum moved to accept the checks, and Vice Chairman Cazillo seconded. Supervisor Evans-Herr pointed out the Cable Franchise Fee line item from the profit and loss statement from November 15th, wherein Pequea Township budgeted roughly \$63,000 and collected \$66,000 which represents 5% of a quarter of cable and internet services expenditures within the township. She calculated that \$1.3 million dollars per year is spent on cable and remarked that the people in the township seem to value entertainment over public safety. The motion passed unanimously.

PUBLIC COMMENTS:

Chairman Purdum read a summary explanation of each of the items on the agenda and mentioned that one more would be added by addendum. He explained that item 1 was a resolution regarding supervisors respecting residents' freedom of expression. It was explained that item 2 concerned a raise for the administrative assistant, and that a potential raise was cleared with the union. Item 3 was summarized as a potential authorization for Supervisor-Elect Lucas to access information (i.e. go on ride-alongs with the police department, road crew, etc.) and have it officially authorized by the board. Items 4 and 5 were explained as administrative matters originating from the engineer's office. Number 6 to allow the process for hiring a part-time permanent treasurer. For this, Chairman Purdum explained that the labor market is tight which is not conducive to temp agency hires. The addendum item would be to consider authorizing the chair to sign an engagement letter for whichever auditing agency we would choose. Supervisor Herr was adamant that we reach out to Bertz, Hess & Co. She asked the Chair if he recalled what we budgeted, which he did (\$14,000), and he thought it was more in alignment with RKL's proposal.

Chairman Purdum made one more announcement before public comments. At the end of the month of November, officer Vidal would be leaving the PTPD after accepting an offer from another department. Chief Michener will be relying on some state police services through the end of the year given the vacation schedules of the 5 full time officers. Supervisor Evans-Herr said it was important that everybody realizes we become a part-time dept on the 30th, and we can't disclose which hours we are on state police for operational security.

Items on the agenda:

Jackie Johns: First, the resolution censoring actions by representatives? That's not what I heard in your summary. Everyone has freedom of expression. Why the resolution? Second, the raise for the part time assistant. What will it be raised to? Three, Eric Lucas should be given access to info given he missed several meetings before the election.

Jerran Ngo: I am speaking on behalf of my father. *reads attached letter from Heap Ngo*

Tom Haas: I experienced that supervisor Herr is a bad politician similar to what we just heard. She verbally accosted me at the last meeting. She called me a misogynist and said "I hope your business gets robbed tonight". She's not for the police. Nobody would encourage that kind of behavior if they are for the police.

Bennet Vanderheide: Do township residents have first amendment rights that nonresidents do not have? Nonresidents cannot speak. It is my right to come to this meeting. Anybody coming through this town has the same rights as a township citizen. (Solicitor Pykosh clarified that this is not what the resolutions says, and chairman Purdum enforced the resolution passed in January that public comments are for township residents only).

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Items not on the agenda:

Jeff Fry: *Last Friday a manure rig was involved in an incident after swerving to miss a piece of debris. Officers Muir and Vidal responded to the incident along with the fire department, and I want to thank all our first responders for their professionalism, and thank them for allowing us to fix the problem we caused.*

Jackie Johns: *Legal notice that says the budget was available on 11/20. This is not so, as the office was closed, and there was no message on phone either. Citizens can't check the budget, and it's supposed to be available 20 days before approval, whereas now it will only be available for 15 days. Not on the website for viewing either. Chairman Purdum: The Budget hearing is the time for public comments on the budget, and they will have full ability to comment on it. Supervisor Evans-Herr: By law we have 20 days of review. Mike (Pykosh) what do we do? Offices have been closed. We're not meeting our requirement under the law. Chairman Purdum: Today is the 20th, we can at least get it listed on the website and get a sheet on the door. Supervisor Evans-Herr: We have a lot of residents who aren't computer savvy. Do we have enough time to advertise again? The budget hearing is at 6:30 on Dec 18, and today is the 20th. Mike, are those 20 days calendar days or business days? Solicitor Pykosh: Yes. Supervisor Evans-Herr: We'd have time to advertise again and meet our obligation under the law. Chairman Purdum: When Kim gets back on Monday we can get that taken care of. Thank you for bringing that up. Jackie Johns: I was at all three meetings, incomes are lowballed and expenses are inflated. For example, 7000 for a newsletter and there is no newsletter in sight nor anyone who could write one. Small tools another area that's put too high. No oversight. Shop supplies have increased by 4000 more for 2020. Be advised, I will be doing right to know for detailed receipts for both of those, because that's outrageous. I encourage citizens to review the budget yourself. It seems like there's a problem overstating the expenses we have, since we will be ending the year with 1.6 million dollars, which certainly would have paid for a full-time police force. Chairman Purdum: We have no more tax receipts coming in for this year. That money has to last. Jackie Johns: Mr. Cummings was up here in March and asked about the plans for the police department and you all said you had nothing planned. Wrong. You all knew then. Chairman Purdum: Have you talked to Mr. Cummings and asked him his opinion today? I encourage you to call him. Jackie Johns: There was also \$40k added as an expense to the police which was a problem created by the supervisors.*

Tim Weaver: *In 2017 the park board started planning a cost-effective mowing plan. We involved many environmental organizations and agencies. We increased ground cover on steep slopes to reduce erosion, increased buffer zones, and increased trails for public access. The North trails were neglected, and we fought hard alongside Cynthia and others to make them better. Together, the park board also oversaw 6 Eagle Scout projects and partnered with the Chesapeake Bay foundation and with volunteers planted 200 trees. We augured almost 200 trees on volunteer time. In 2019, the very first meeting of the year, Don you voted to have the park board removed, and Harry Lehman did the same thing. Harry wanted the board gone because Cynthia was there and that's what you did too. On June 3rd, Scott and Jeff fired me from my job, which I took a lot of pride in. Then they mowed the pollinator garden and the steep slopes. They mowed the buffer zones along the creek bank. Several trees we planted the year before are damaged from mowing and the use of herbicide. Slopes that were too steep to walk were sprayed on the south end of the park top to bottom. Vegetation that died was the only thing holding those banks together. You ought to be ashamed of yourself. Supervisor Evans-Herr: Question for Scott. Whatever was the result of the resources from the federal government from earlier this year for spotted lanternfly? Supervisor Edwards: I believe it will be this spring. We will know for sure soon. Tim Weaver: There's been a virus that's killing the spotted*

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lanternfly. We had volunteers to remove the trees in question in the north side of the park but you would not allow us.

Meredith Jorgensen-Cooke: Sorry there aren't more people here today, and sorry I wasn't here at the last month's meeting which I consider the "slash the police" meeting. I was in Florida for my sister's wedding and you can imagine what it was like having my phone blow up when you slashed the police, which was great. Thanks for that. I've been watching the impeachment hearings, and regardless of what political lines you fall on, at the federal level you can see what an absolute "s" show it is, and it turns out that all politics is local and it doesn't seem that the 5000 people that are run by the 5 people here are any better. No wonder no one trusts any of you. Were the police asked to not come here anymore and just asked to leave the report on the table? Chairman Purdum: No, they were not. Meredith Jorgensen-Cooke: That's not what I heard. I used to see police officers here, and I don't anymore, and I find that disingenuous. Cynthia will be leaving at the end of this year, and with the exception of Tony, we will have a table of 5 old white men. Not representative of the women or young people of the township. As usual, that is the board of people who run the politics of Lancaster County and the township, so I ask that you keep in mind what is important to everybody else, not just what is important to that demographic type of people. Don, you promised transparency and it's sucking. The budget is not available, and now you're saying you can push it back. A 20-minute fish tank video said you would be out in front and getting the information out for July, August, and September, and now you don't seem to have it ready yet. Going on to other political office from here is going to be difficult, because 4 out of the 5 of you voted that public safety is pittance. There's a great reason to be holding taxes. I would be thrilled to see if you could hold that for your entire term. See if you can get things to balance without raising taxes. See if you can continue to claim that people on fixed incomes can't bear a tax increase. It's called inflation, it's called life. I can't wait to see what's going to happen with the roads. I am going to follow the yellow brick road all the way to my house, and I'm going to follow the money the whole goddamn way too. I want to see where the money's going, and who's going to do the roads. Chairman Purdum: I would appreciate if we could keep the language a little more public-friendly. Meredith Jorgensen-Cooke: I am no math major, and clearly neither are you. Clearly by me skyping in the budget workshops Cynthia was carrying you through the whole first half. You only have two more meetings with her, and after that, you will have nobody else to blame. When she's no longer sitting here, let your legacy begin. Right now, it's a part time police dept that's not going to be able to do what you want it to do, and that's on you. I'm so disappointed, what a shame.

Justin Donnell: I spoke with you Don last evening, trying to figure out zoning ordinances given the township building is closed until the 25th. Chairman Purdum: Did you speak with Mr. Deimler as I suggested? I didn't get a call back from you to try to help mediate that for you. Supervisor Evans-Herr: What is your matter, sir? Justin Donnell: I'm trying to get a permit for a business plan I'd like to discuss with Mr Deimler to get a violation remedied. I'd like to get this taken care of as soon as possible. Chairman Purdum: Did you call Mr. Deimler's office like we discussed? Justin Donnell: I did not. Chairman Purdum: I'm happy to call mark tomorrow to get you in touch with him and get this resolved.

OLD BUSINESS:

None

NEW BUSINESS:

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1. Consider adopting Resolution censuring certain actions by representatives of Pequea Township and recognizing freedom of expression for township citizens

MOTION _____ SECOND _____ *DISCUSSION* AYE _____ NAY _____

Chairman Purdum read the proposed resolution. Supervisor Evans-Herr's concern is about the language, and that she was not informed. Her question to the solicitor is who is a "township representative"? Is that the employees? Is this going to conflict with our collective bargaining agreements? Was this presented to the heads of those associations? Chairman Purdum said that this is not stripping anybody of their rights to do or say what they want. What this is saying is that if somebody does or says something that violates a resident's freedom of speech, that action is not an action of the board unless the board specifically authorized it. Supervisor Hlavacek was concerned that property owners need the right to come to the lectern to voice their concerns too. Supervisor Purdum explained that that's not what this is addressing. All this is saying is that if a member of this board chooses to say or do things that might result in a lawsuit, those actions do not represent the board if the board didn't authorize it. Supervisor Evans-Herr remained concerned that the resolution was adding language that's not in their contracts. She added that she thought it was a slippery slope, and that the resolution means nothing. Vice Chair Cazillo said he didn't see what was wrong about separating the actions of supervisors individually vs officially. Supervisor Evans-Herr called the resolution an act of clandestineness, and complained that neither she nor Supervisor Hlavacek got the agenda before it was posted. Chairman Purdum moved to authorize resolution 2019-527, Supervisor Edwards seconded, and the motion passed with Chairman Purdum, Vice Chairman Cazillo, and Supervisor Edwards in favor and Supervisors Evans-Herr and Hlavacek opposed.

2. Consider an increase to hourly rate for Administrative Assistant

MOTION _____ SECOND _____ *DISCUSSION* AYE _____ NAY _____

Supervisor Evans-Herr requested discussion before a motion first. She questioned why it was on the agenda, claiming the other board members had discussed it already. Vice Chairman Cazillo mentioned the tight labor market, and his desire to retain her. Chairman Purdum moved to increase the hourly rate of pay for the administrative assistant to \$25. Supervisor Edwards seconded, and the motion passed with all in favor except Supervisor Evans-Herr, who wondered if the township was being extorted for more money by an employee who threatened to leave, remarking that our former treasurer was never paid that much.

3. Authorize Supervisor-Elect Lucas access to township information for the purpose of transition

MOTION _____ SECOND _____ *DISCUSSION* AYE _____ NAY _____

Chairman Purdum moved to authorize Supervisor-Elect Lucas access to township information for the purpose of transition, and Vice Chairman Cazillo seconded. Supervisor Evans-Herr said that typically it's around mid-December when the supervisor-elect starts being included in certain items, but not anything that the board is going to make a decision on. She added that anyone can do a ride along with the police or make an appointment to go tour the public works department, and was unsure what the board was actually doing here. Chairman Purdum explained that all this would do is allow him to access what he is legally allowed to access, essentially anything that's not executive session information. Supervisor Evans-Herr added that attorney client privilege items as well as anything the board would be making a decision on will also not be included in that. Chairman Purdum briefly considered amending his motion to also include creating a township email for Supervisor-Elect Lucas before the new year, but supervisor Pykosh cautioned against that move, recommending instead that Lucas wait until he is sworn in, but saying that everything else proposed was acceptable from a legal standpoint. The motion passed unanimously.

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4. Consider approval of Strausser Surveying and Engineering Inc., Lot Add-On Plan, on behalf of Anthony D. Trago, 200 Baumgardner Rd. -File No. PC2019-2, Review #2

MOTION _____ SECOND _____ *DISCUSSION* AYE _____ NAY _____

Supervisor Evans-Herr moved to approve the plan as presented. Supervisor Edwards seconded, and the motion passed unanimously.

5. Consider RGS Associates request, on behalf of Oak Hill Partners, for 194 EDUs of sewer capacity for the Penn Grant Commons West project

MOTION _____ SECOND _____ *DISCUSSION* AYE _____ NAY _____

Supervisor Evans-Herr moved to approve the 194 EDUs for the Penn Grant Commons West project, Supervisor Edwards seconded, and the motion passed unanimously.

6. Authorize the Chair to advertise for a permanent, part-time Treasurer and follow the previous procedure authorized by the Board of Supervisors at the 7/29/19 Public Meeting

MOTION _____ SECOND _____ *DISCUSSION* AYE _____ NAY _____

Chairman Purdum moved to Authorize the Chair to advertise for a permanent, part-time Treasurer, and streamline the hiring process, conducting the initial screening process and interview of qualified candidates, with a second interview being conducted by the board of supervisors. Vice Chair Cazillo seconded, and the motion was passed unanimously.

REPORTS/UPDATES:

Pequea Township Police Department – Chief's Report

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

Lancaster Inter-Municipal Committee – Meeting on December 15th

Suburban Lancaster Sewer Authority – Bring to the boards attention that we approved the EDUs for SAFE's property in the Millwood Industrial Park. They went ahead without checking with SLSA for capacity or going through the proper channels. The matter will be discussed at the meeting tomorrow. Not the first issue with the property owner in question. On veteran's day, visited pumping stations with SLSA members.

Zoning/Code Enforcement Officer – Report on File

Pequea Township Zoning Hearing Board - none

Pequea Township Planning Commission - none

Agenda Item Added By Addendum

Chairman Purdum said he believed the better move would be to go with RKL for cost and consistency's sake, and Supervisor Evans-Herr said might behoove the board to enter into another two year agreement while moving the audit as far into the year as we can. Chairman Purdum emphasized the need to authorize this now so that the board is okay for the reorganizational meeting in January. Chairman Purdum moved

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to add to the agenda to authorize the chair to sign the engagement letter from RKL accounting firm to audit the accounts from the 2019 calendar year. Supervisor Edwards and Vice Chair Cazillo seconded.

Chairman Purdum moved to authorize the chair to sign the engagement letter from RKL accounting firm to audit the accounts from the 2019 calendar year. Supervisor Evans-Herr seconded. The motion unanimously passed.

ADJOURNMENT 8:10pm

Respectfully submitted:

Anthony Cazillo
appointed secretary for this meeting

note: At the December 18, BOS mtg, Vice Chair Cazillo requested the letter to the Board from Heap L. Ngo be added to the November 20, minutes.

file

November 5, 2019

RECEIVED NOV - 5 2019

Heap L Ngo
2958 Willow Street Pike
Willow Street, PA 17584

Pequea Township
1028 Millwood Rd
Willow Street, PA 17584

My name is Heap Lean Ngo; I lost everything when the communist Khmer Rouge regime took over Cambodia during the 1975s. In the process of seizing power, the Khmer Rouge executed 25% of the population, nearly two million Cambodians, and subjected the survivors to the harsh realities of concentration camps, genocide, famine, and poverty. The belief that someday I would be able to escape this nightmare and pursue a life of freedom in America is what ultimately kept me alive. I am very grateful and fortunate for the opportunities this country has bestowed upon me.

I became a Pequea township resident 26 years ago when I bought my beer store in November of 1992. Since purchasing the beer store, I have slowly expanded my businesses, allowing me to provide the means to support my family and raise my four children. My beer store is my primary source of income and has not been performing as well due to the change in PA beer laws, which have increased the competition.

I have never had any significant issues with the township until recently, which is around the time Cynthia Evans-Herr began serving as the township supervisor. My first issue with the township began in October 2018 when my motel business received several violations, requiring my business to be shut down. My family and I were quite stressful and devastated as we had become more reliant on that source of income due to the slow down of our beer business.

The stress from this event was not well received, and my health began to deteriorate. Shortly afterward, I found myself hospitalized at Lancaster General Hospital for a week due to a hemorrhagic stroke, which resulted in a lengthy recovery period and a 100k hospital bill.

After the stroke, my life was not the same. Stroke survivors have 33% of experiencing another stroke within the first year after their first incidence.

Significant changes in my diet, work-life were needed to ensure a successful recovery. An emphasis on a low-stress life is imperative.

On May 6th, 2019, several months after my stroke, I was served with additional violations for all three of my other properties and was given deadlines to remedy these issues.

The additional violations had placed a great deal of stress on me, and I have been doing my best to meet these demands.

On October 1st, 2019, 2:15 pm, Cynthia Evans-Herr stopped by my beer store to discuss the violations with me. She noticed that I had a sign on my property in support of Eric Lucas. She asked me to remove the sign, which I refused to do so. She continued to reference several zoning violations and eventually left. A few days afterward, she sent a code enforcement personnel to my store three times within a week.

The first day the code enforcer was sent to ask about my coolers, inquiring about whether they were wired or plugin. I told him they were plug in and he left. The second day he returned to speak about other violations and then left. However, shortly after his departure, I received a phone call from him asking about my coolers again, inquiring whether they were wired or plugin. I told him they were a plugin, the same response I gave him on the first day. The third day he returned to my store, stating that the township was not satisfied with my answer and wanted photographic evidence for records. The code enforcer took pictures of my coolers and left.

I feel like I am being punished for refusing to remove the Eric Lucas sign. I did not remove the Eric Lucas sign, and shortly afterward, A code enforcement person was sent to my store to harass me multiple times.

Cynthia Herr had used abuse of power/intimidation tactic against me just because I allowed her political opponent to place a sign on my property, and refused to remove the sign when she asked me to.

Ever since Cynthia Evans-Herr has served as the township supervisor, I feel that I have been targeted by the township, as I have been served with many violations for all of my properties within the township.

These violations have shutdown my motel business and displaced the residents and increased the financial burden on my family and struggling beer business.

This is a free country, but the election of Cynthia Evans-Herr has made it difficult for me to run my businesses. Cynthia Evans-Herr also works at a gas station owned by the individual who owns a Southern end beverage, a competing beer store. Cynthia is employed by my competitors and, she serves as the supervisor of the Pequea township, which has served violations to my properties and beer stores, making it harder for me to do business/make a living. It is a significant conflict of interest. I feel like she is using her power as a supervisor to bully me for not supporting her, allowing her opponent to place his sign in my yard.

Has anyone at the supervising board overlooked what Cynthia Herr has been doing? Is it the job of a township supervisor like Cynthia Herr to tell me who I should support or not to support? And if I don't do what she wants, she would find the means to punish my family and me.

Despite the multiple incidents involving Cynthia Evan Herr's actions, we as a family have decided at this time not to pursue legal action against Pequea Township and in hopes that we could address the situations peacefully.

Sincerely,

Heap L Ngo



Sign-In
Sheet

BOS Mtg. -- ~~Dec 5~~ November 20, 2019

Earl Highton

Jeff Frey

Jean Tapp

DENNIS MILLER

Eric DeMascio

Jackie John

Greg Williams

Rob Reichenbach

Pauline M. Munder

Al + Della Kreider

Eric Lucas

Mary Burger

Dawn Ray

Elaine Jones

Daddy Just

Meredith Jorgensen