

# Conestoga Township BOS Minutes

## March 7, 2023

***BOS Meeting called to order at 7:00 pm by John Berry.***

**PRESENT** – Supervisors: Vice Chair Bob Hershey, Jr. & Ron Wagner, Member; Citizens (attendance list attached).

**MINUTES** – Supervisors approved the February 7, 2023, BOS Meeting Minutes on a motion by Bob Hershey, Jr. and seconded by Ron Wagner. All in favor - none opposed.

**BILLS** – The Supervisors approved all the bills to be paid for the month of February 2023, on a motion by Ron Wagner and seconded by John Berry. All in favor - none opposed.

### **BUSINESS OF GENERAL PUBLIC**

The meeting began with several residents expressing their opinions about agenda items. Some residents felt they should be able to bring up any topic at any time during this portion of the meeting. They did not feel it was necessary for every topic to be on the agenda. One resident felt that two weeks prior to the meeting was not sufficient time for residents to submit items.

**John Berry** tasked Ron Wagner with providing the rule set by the state.

***The following documentation supports the decorum for the meeting:***

**Act 65 of 2021 amends the Sunshine Law** to create a new requirement that all local government boards and commissions (governing boards, planning commissions, zoning hearing boards, recreation committees, etc.) must post meeting agendas for all advertised public meetings at least 24-hours before each meeting. The new provision took effect August 29, 2021.

Because the Township operates on a four-day workweek, the window to submit agenda items will close the second Friday before the stated meeting. This will allow the Township four days to prepare and post the agenda in accordance with the law.

(c.1) Notification of agency business to be considered. –

(1) In addition to any public notice required under this section, an agency shall provide the following notification of agency business to be considered at a meeting as follows:

(i) If the agency has a publicly accessible Internet website, the agency shall post the agenda, which includes a listing of each matter of agency business that will be or may be the subject of deliberation or official action at the meeting, on the website no later than 24 hours in advance of the time of the convening of the meeting.

(ii) The agency shall post the agenda, which includes a listing of each matter of agency business that will be or may be the subject of deliberation or official action at the meeting, at the location of the meeting and at the principal office of the agency.

(iii) The agency shall make available to individuals in attendance at the meeting copies of the agenda, which include a listing of each matter of agency business that will be or may be the subject of deliberation or official action at the meeting.

In addition to agenda topics, the rules of decorum for the Township Meeting were brought into question. A sample agenda taken from the Pennsylvania Township Supervisor Handbook provides the following example:

**MEETING AGENDA**

1. **Call to Order** – The chairman of the board calls the meeting to order. A roll call is conducted to determine if a quorum is present.
2. **Pledge of Allegiance** – Many townships recite the pledge at the beginning of every meeting.
3. **Public Participation** – Public participation must take place before any official action. This may take place at the beginning of the meeting or before each agenda item.
4. **Minutes of the Previous Meeting** – Approval of minutes from the previous meeting or meetings Draft minutes should be prepared and distributed to the supervisors prior to the meeting Minutes should be reviewed for corrections, deletions, or additions Reading the minutes aloud is not necessary.
5. **Treasurer’s Report** – The treasurer provides a report of expenditures and revenues since the prior board meeting This report should be provided to the supervisors prior to the meeting.
6. **Correspondence** – Letters, email, or other communications received since the last meeting should be noted and acted upon as appropriate.
7. **Township Reports** – Committees, the township manager, township officers, and consultants are usually required to provide reports on current projects.
8. **Old Business** – Items before the board that have not been resolved are discussed until the board takes action to remove the item from the table.
9. **New Business** – This may include such items as bid openings, consideration of proposed ordinances, or discussion of proposed public works projects.
10. **Adjournment** – Meetings are adjourned once business is completed.

Another resident stated that she was permitted to bring up a topic at the prior month’s meeting that wasn’t on the agenda. Ron Wagner stated that safety issues are different. They may be brought up at any time. In fact, any issue involving safety concerns should be addressed immediately.

**OLD BUSINESS**

**Swimming Pool Contract**

**Melanie Scheid** expressed her continued desire to pursue the swimming pool contract, with the possibility of the Township absorbing the cost for repairs.

**John Berry** informed the public that Patriot Pools would assess the repairs and provide an estimate. If the costs are not excessive, the Township will agree to absorb the cost for the repairs.

**Donna Eshleman**

John Berry explained that the Township Solicitor and insurance carrier were not in favor of the Township permitting Donna to volunteer her time to monitor the traffic signs. Donna stated she would sign a waiver. The Township was also advised not to use a waiver.

## NEW BUSINESS

### **Steve Gergely – Safe Harbor Subdivision**

**Steve Gergely:** (R.L.A. Harbor Engineering) Steve presented a plan and delivered a presentation concerning the subdivision of the Safe Harbor Village and surrounding property, which is currently owned by Safe Harbor Properties LP. The 25-acre parcel is large enough to support the Safe Harbor Village. Steve asked for a Waiver for Preliminary Plan, Waiver for Plan Scale, and a Wavier for Rec Park.

Steve also requested the Conestoga Township Supervisors to sign a Non-Building Declaration form for the DEP since there are no proposed buildings or improvements. In addition, Steve is asking the BOS to conditionally approve the subdivision plan and modifications based on Kraft Engineers Report dated February 2023, KMG File – 0222009.

Ron Wagner made a motion to grant conditional approval of the subdivision plan based on the modifications of the Kraft Engineers Report dated February 2023, KMG File – 0222009. The motion was seconded by Bob Hershey, Jr. All in favor - none opposed.

### **Jeremy Eshleman – Address issues on Sandhill Road & Sickman’s Mill**

**Jeremy Eshleman** expressed his concerns about past issues regarding the operation of Sickman’s Mill. He felt there were other residents who also shared his concerns.

He stated there are neighbors and citizens in the immediate surrounding area and along the creek that are complaining about trespassing, drugs, drunkenness, and threat of loss of life, increased litter, disrespect, and excessive noise. Jeremy went on to describe other eyewitness accounts to support his concerns.

Jeremy presented the following Police documents: 1) Incident No. 2022-608283 (June) – Anonymous complaints lead to the premises receiving a warning letter for a loudspeaker violation and a citation for sales of another Pennsylvania Manufacturer’s Product to-go, resulting in a \$500 fine. 2) Incident No. 2022-828603 (July) – Anonymous complaints – Premises received a warning letter for loudspeaker violations for one date under the new statute (with decibel meter) and a citation for two dates of loudspeaker violations under the old statute (w/o decibel meter) resulting in a \$300 fine. 3) Incident No. 2022-992061 (August) – Complainants were the Eshleman’s, Maureen Fisco/John Gault, and Robert Banzhof. Premises was cited for multiple dates of noisy and/or disorderly operations and multiple dates of loudspeaker violations. This case has not yet been adjudicated.

**John Berry** felt that most of the complaints were about noise.

**Jeremy Eshleman** continued to express his concerns about noise, illegal sale of alcohol, trespassing, and visibly intoxicated people. He also questioned whether state laws, zoning laws

and ordinances were being broken. He expressed his concerns regarding flood plain issues, structures being built, and potential EPA problems.

**John Berry** stated there are limitations, but you can build in a flood plain. John also said there are exceptions. It's at the owner's discretion.

**Jeremy Eshleman** wanted to know if the bar at Sickman's Mill was operating within the Zoning Ordinances of Conestoga Township. Jeremy stated the State Police would not enforce local ordinances.

**John Berry** informed Jeremy that he was correct. These ordinances are enforced by the Zoning Officer.

**Joe Devoy**, owner of Sickman's Mill, countered the accusations. Joe Devoy stated there were zero citations issued for public intoxication and drugs. Jeremy stated, "The report says that is why they came." Joe countered, "That's because there are three people sitting here that called them and reported drugs and public drunkenness. In the end, no charges were filed for drugs and public drunkenness."

**Joe Devoy** went on to explain that a State Trooper had repeatedly been on site at Sickman's Mill over a three-month period. There were two charges that came about. One came before there was an ordinance for sound off the property and the second one was for amplified sound off the property. The alcohol violation that Jeremy was referring to was because the State Trooper took a beer and got on the bus. If it had been one of the Mill's cocktails, it would have been permitted. Because it was an outside beer, it was clearly a liquor violation. There has never been a charge for underage serving or charges for public intoxication and there hasn't been any charges for drug use. Joe felt that what Jeremy was portraying of the Mill was completely inaccurate.

Joe went on to inform the public that Sickman's Mill was one of the oldest, if not the oldest business, in America. He feels it's something the community should be proud of. The Mill has been continuously operated since 1750. It's been a distillery, a mill, and so many other things. The reason it continues to operate is because people are willing to invest in it to keep it going. It's 100 years older than the Conestoga Wagon. *(Laughter from the crowd.)*

**Robert Banzhof** addressed his concerns about the noise coming from Sickman's Mill. He invited Bob Hershey and Joe and Dana Devoy to come up his driveway and listen to the noise. Robert felt they are thumbing their nose at him. He went on to discuss decibel readings.

**Joe Devoy** countered that the minute he was notified of the violations, all amplified music was cancelled. Every musician playing at the Mill, played without microphones or sound equipment. People were straining their ears to hear them because it wasn't amplified.

**Terry Shepps** explained what he experienced with zoning and the laws that must be followed. It is a legal right to be in business within the parameters of the law and a legal right to form a

committee. It's a legal right to hire a lawyer. It's not a legal right to tell people to stop smoking Marijuana, stop driving dirt bikes, or to stop playing pounding music. People have the right to call the police and have the right to lodge complaints. They don't have the right to tell the bar up the street to turn down the music. That's the job of the police or, in this case, the job the Zoning Officer. The Supervisors do not have as much power over zoning as people might think.

**Jeremy Eshleman** asked if the ordinances on Conestoga Zoning were up to date.

**John Berry** informed Jeremy that the ordinances are up to date.

**Bob Hershey** asked Jeremy if he had the decibels on his phone.

**Jeremy Eshleman** responded by stating that Residential is 55; Ag and Commercial are 65. That's 10 decibels below the 75.

**Bob Hershey** asked what it said about Rural Conservation (RC). Jeremy stated it did not show any decibel readings for RC. Bob Hershey thanked Jeremy and said, "That's all I needed to know."

**David Clancy** stated that he witnessed a person driving an older jeep crash into a stone wall. He also witnessed four wheelers leaving the Mill in different directions. David wanted Joe Devoy to be aware there are other things happening that he might not have known about.

**Joe Devoy** explained to the public that the Mill is a good partner with Lancaster Conservancy. Sickman's Mill hosts a good portion of Water Week for the Conservancy, encouraging people to get into the water and use the water for recreation. Joe shared that every Wednesday morning he provides free tubing to anyone who wants to come and help clean up the creek. Joe goes down the creek himself every Wednesday morning with a group of people to help with the clean-up. Joe stated the Conservancy tests all the creeks in Lancaster County. Pequea Creek has consistently been the cleanest and most alive. It has the most organisms in the creek. It has been the healthiest creek in Lancaster County for the last two years.

**Dan Alexander** expressed his opinion regarding the noise coming from Sickman's Mill. When the previous owner operated the Mill and had music, he could hear the music as clear as day at his house. At that time, none of the residents that are complaining now, said a word. Dan stated that when Joe has his gatherings, he doesn't hear anything. Dan felt that the people expressing their concerns now, are doing so because they don't like Joe. Dan feels it's a witch hunt.

**John Berry** stated he was ready to adjourn. He felt everyone had kicked the dead horse around long enough. John asked if anybody else had anything to add.

**Elizabeth** (*Name not listed on sign-up sheet*) shared what she experienced at the Mill. She said she was a musician and knew Joe. She felt there are many people in the community that would enjoy a night out with their grandchild, children, or spouse, listening to the music there.

Elizabeth went on to say she was Social Worker and had no interest in craziness. She stated it was a lovely outdoor environment and a great place to spend time with family.

**Tom Grassel** stated that he has kayaked the creek many times with his wife and friends. **He** never rented from Joe. He has witnessed a lot of riffraff on the creek that had nothing to do with Joe. Tom stated,

“You can’t say that everyone coming and going are people from the Mill.” Tom has seen some dope smoking and stuff happen on that creek that had nothing to do with Joe.

**Maureen Fisco** asked Joe Devoy what his plans were for this year regarding the loud music.

**Joe Devoy** stated the Liquor Control Board passed a law. The day they did, he went out and bought a decibel reader. Joe stated he will not break the law and will stay within the 75 decibels. He wants to be a good neighbor.

**MEETING ADJOURNED** at 8:13 p.m., motioned by John Berry and seconded by Bob Hershey, Jr. All in favor - none opposed.

Submitted by,

Ron Wagner, Member

# Conestoga Township Board of Supervisors Meeting

March 8th 2023

## Sign In Sheet (Please Print)

1. E. Z. Eshleman

2. Cathy Wagner

3. Dave & Kelly Reel

4. CHRIS & BARB BAIR

5. Sheri Kimmet

6. Robert Bangley

7. Robin Maguire

8. Dan Alton

9. Janet Hardey

10. Rashyna Barzhot

11. Dan Alton

12. Donna Hoar

13. Gary Res

14. JEREMY ESHLEMAN

15. Craig Eshleman

16. Joseph Musser

17. Carol Clancy

18. Tina Clare

19. Madelyn R. Ritz

20. Terry Shepps

21. RAYMOND L. CLARE, JR.

22. Melane Scheid

23. David L. Connolly

24. Joe Doo

25. Tom Gault

26. Tony Spassel

27. Bill Ruri

28. STEVE GERGEY

29. JAMIE PIKETS

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