

LANCASTER TOWNSHIP BOARD OF SUPERVISORS
March 25, 2019 MEETING MINUTES

The Lancaster Township Board of Supervisors meeting was called to order by Chairman Plesniak at 9:03AM. The following Township Officials were present were Chairman Plesniak, Vice-Chairman Kris Kniess, Supervisor Dennis Kerr, Secretary-Treasurer, Chrissy Senft, Township Manager, Ben Kramer, Solicitor Chris Reese, Sgt. Mike Cornell, Patrolman Andy Grooms, and Roadmaster Mike Spiker. In addition, the following members of the general public were also present; Dean Wack, Frank Noland, Ken Williams, Judy Williams, Ed Eckstein, Jim Kerr, Dale Kerr, Mitchell Kerr, Mike Schiever, Sidney Schiever, Jay Wack, Randy Anno, Ally Mansfield, Matt Rubright, Wendell Rubright, Debbie Scott, Dennis Hamilton, Carol Hamilton, Don Grubbs, and Albert Martin.

Township Solicitor, Chris Reese explained that the reason for the special meeting was a result of the possibility of litigation brought from Supervisor Dennis Kerr, via his attorney, Thomas L. Smith. Solicitor Reese stated that he advised the Township the best course of action was to have a special meeting as having all 3 Supervisors present could constitute a violation of the Sunshine Law. Solicitor Reese indicated that there had been active discussion from the media as to questions from a previous executive session. Solicitor Reese clarified, that all discussions pertaining to on street parking issues with respect to Mr. Kerr's auction or any large gathering occurred during the public portion of the Township meeting on Monday, March 18, 2019 during New Business. Further, it was stated that all 3 Supervisors at that point in time agreed it was in the best interest of the Township to put no parking signs around the vicinity of Mr. Kerr's auction to ensure that proactive measures were taken for public safety and to ensure adjacent property owners did not have unwanted damage as a result of people parking on private property. Mr. Reese read a prepared statement indicating the content of the previous executive session was limited to a personnel matter. Further, it was discussed that the signs installed are not to be moved.

Chairman Plesniak then opened the floor for discussion.

Sidney Schiever indicated he was upset with having a meeting on a Monday morning and that the Supervisors appear to be pointing fingers at Mr. Kerr. Discussed the cost of all the Township officials and staff. Further Mr. Schiever indicated that the Supervisors appear to be acting in malice and going after people, which should be the opposite of such a rural township. At this point Chris Reese again explained that the meeting was necessary as a result of the possibility of litigation and that there were limited days to having the meeting occur. Chairman Plesniak stated that public safety is paramount and that is the issue that is at stake and should be consistent across the board, regardless of the host of the auction or that persons status in the Township. Mr. Plesniak also indicated that it was the police who worked to determine the placement of the signs for the public safety and success of the auction.

Supervisor Dennis Kerr indicated that he had requested Sgt. Cornell to speak to him at this home on Tuesday, March 19, 2019 to discuss the issue. Mr. Kerr and Mr. Cornell spoke about ensuring that parking was only occurring on property owned by Mr. Kerr or properties specifically that had approval from the owner. There was a brief discussion with Sgt. Cornell and various members of the audience with respect to the Township right-of-way and it was explained that Township right-of-way does not extend to a private citizen. Briefly discussed were the number of incidents generated from past auctions and the amount of debris left on the roadway. Patrolman Andy Grooms discussed the activity at the 2018 auction and indicated that the no parking signs were relocated last year by a representative of Mr. Kerr's, John Haine. Mr. Kerr indicated that Mr. Haine is not under his employ and cannot speak to the signs being moved after installed last year. Patrolman Grooms indicated that he arrived on scene to be engaged with the public after receiving calls of debris on the roadway and cars parked on the road. He indicated that upon arriving on site he was met by Mr. Haine who was visibly disturbed with his presence and that he responded towards the Officer in an aggressive manner. At this time, a brief discussion broke out and Mr. Cornell again indicated that no parking can occur on private property without express permission from that owner. Part of the discussion indicated that requests had been made verbally to limit the parking as to not impact peoples own property.

Dean Wack then asked the Board if these rules would apply to other events, such as graduations, family gatherings, or yard sales. The Board indicated that if you are planning an event that could result in a large amount of on-street parking, it may be in the best interest to alert the Police as to the event and a decision could be made from there. Solicitor Reese also indicated that there is no resolution or ordinance being drafted at this time, but, depending on the event it would be good to check with the Township as to how best to proceed. Mr. Wack also asked about fines for on street parking. Sgt. Cornell indicated that the fine for that violation is \$120.00.

Ken Williams inquired as to why the Township was creating this ordinance and asked when it would be effective as well as the number of complaints that occur as a result of the auction event. Mr. Reese provided an explanation that no ordinance was being enacted at this time and that state law limits parking along and adjacent to Township right-of-way and along private property. Solicitor

Reese further explained that this was not an ordinance and Chairman Plesniak indicated that the Police Department should be the ones making determinations as to public safety.

Vice-Chairman Kniess indicated that previously stipulations had been set on another family having a similar auction in 2018. Further, Mr. Kniess discussed the increased traffic and overall growth as a concern for public safety.

Sidney Schiever again asked to speak and indicated the regulations should not replace common sense and indicated he believed the Board of Supervisors was harassing each other.

Ed Eckstein addressed the Board of Supervisors with questions pertaining to parking on the berm and felt that it was the Township right-of-way. Mr. Reese indicated that Township right-of-way does not lend itself to private property owners. Mr. Kerr's auction is a private property owner and the right-of-way exists for maintenance of Township roads, not private auctions or other events. Mr. Eckstein also inquired if private property owners had made complaints. After a brief dialog between multiple individuals the conversation ended with Mr. Eckstein being told by Sgt. Cornell that you cannot park on private property or property you do not have permission to park upon.

Dale Kerr asked the Police Department if there were any incident reports about previous issues. Sgt. Cornell indicated that there were several incidents as a result of the auction last year at Mr. Kerr's as well as incidents as a result of the auction at the Bupp farm on Whitestown Road in 2018.

An unknown resident questioned why the Township would be putting signs up at locations owned by private individuals. Mr. Reese explained that the Board had been asked and agreed in a limited area to install no parking signs. It was also stated that those individuals were advised to take additional actions should they see fit. Mr. Reese further explained that it was the goal of the Township to ensure the best day possible for Mr. Kerr's auction and acknowledged the difficulty with large events impacting a Township.

Dennis Hamilton commented that the community while evolving, has a very rural feel. It was noted that it should be the responsibility of the land owner as to whether they install signage to mitigate traffic. Mr. Hamilton indicated that while the auction does create some minor inconveniences, Mr. Kerr works to respond to them as time permits.

Chairman Plesniak stated that landowners do have options to put up signs and again stressed that public safety is paramount and that the road complaints must be addressed. As a result of the possibility of litigation, this path provided complete transparency.

Vice-Chairman Kniess indicated that the hope is to also remedy future problems. The goal again is safety, security, and safe passage for all who travel through Lancaster Township. There is no effort to limit this auction or any.

A brief discussion occurred throughout the audience with some indicating they agree with the signs and limiting parking on the hills, while also praising the auction and the offerings of pie and other baked goods.

Jay Wack questioned the Board regarding future auctions. Mr. Wack was advised to use his best judgement and that if he felt an event at one his properties would create a parking disturbance along the roadway, then it would be in his best interest to contact the Township directly to have the discussion about the possibility of the Township posting certain areas out of an abundance of caution and ensuring public safety in advance of the event.

Chairman Plesniak again brought up that this was all discussed and agreed upon by all three members of the Lancaster Township Board of Supervisors during the public session of new business at the March 18, 2019 Board of Supervisors meeting.

Dennis Hamilton again spoke to compliment the Lancaster Township Police Department and praised their efforts.

Supervisor Kerr indicated that the police department are doing an excellent job and that he is provided a monthly report detailing the continued increase in police calls as a result of the times.

Solicitor Reese indicated at this point the intention was to place the no parking signs and the meeting was necessary because of the possibility of litigation and having all three Supervisors together requires an advertised meeting and that the ultimate desire was again public safety and ensuring that all three Supervisors were all on the same page. Mr. Reese indicated that at this time the meeting would continue site adjacent to Scott Ridge Road.

Jim Kerr questioned the Board of Supervisors about the pay being expended to have a Township meeting as well as the costs of having Township staff perform the work. Followed by Sidney Schiever that Lancaster Township has been lost to rituals as a result of the

growth and continued wastes of time and money with having a Township Manager. He expressed concern about where Lancaster Township is going.

Township Manager Benjamin Kramer expressed concern about the knowledge of growth in the Township and indicated that the growth had been set into place long before his arrival in 2013.

Chairman Plesniak further indicated that the Township is growing, and that again public safety is paramount and the Township Supervisors have to act with the facts that are present. Solicitor Reese indicated that if no further questions, a brief recess would occur to allow for travel to the site. Vice-Chairman Kniess made a motion to place no parking signs as directed by the Lancaster Township Police Department. Seconded by Chairman Plesniak and passed by a majority vote.

The following individuals were on site while the signs were placed: Ally Mansfield, Debbie Scott, Joe Plesniak, Kris Kniess, Chris Reese, Mike Spiker, Mike Cornell, and Benjamin Kramer. Mike Cornell departed for an emergency call after indicating the approximate location of the signs to Mike Spiker. The on-site meeting concluded and a motion to adjourn was made by Joe Plesniak at 10:51AM and seconded by Kris Kniess.

Respectfully submitted:

Benjamin M. Kramer
Township Manager

Draft Minutes - NOT APPROVED