



# LANCASTER TOWNSHIP

## BUTLER COUNTY, PA

### **Board of Supervisors – Regular Business Meeting Summary**

- I. Call to order** — Chairman Kessler called the April 18, 2022, Board of Supervisors Business Meeting to order at 6:00pm.

Members present: Greg Kessler, Chairman  
Joe Plesniak, Vice-Chairman  
Tim Zinkham, Supervisor

Staff and Appointed Officials: C. Michael Foote, Manager  
Neva Stotler, Solicitor  
Tom Thompson, Engineer  
Mike Cornell, Police Department  
Mike Spiker, Road Department  
Jean Ignatuk, Office Administrator

- II. Pledge of Allegiance** -- Chairman Kessler led the attendees in the Pledge of Allegiance.

- III. Agenda Revisions or Additions** – Chairman Kessler asked whether there were any revisions or additions to the agenda.

Manager Foote stated that he would like to add the results of the bid opening report during the Road Department report. Manager Foote stated that he would like to amend Item 7B1, changing the total Bill Pay number from \$49,087.65 to \$54,232.12. Manager Foote requested that Item 8B1 be removed from the agenda because staff has not completed working on that item.

- IV. Public Comment on Agenda Items** – Chairman Kessler asked whether there was any public comment on agenda items. Debbie Scott, 103 Locust Alley, asked why the agenda item concerning her property was removed. Manager Foote stated that the reason was that staff hasn't finished working on it. Charles Scott, 103 Locust Alley, asked whether he would be allowed to present his findings regarding the matter. Chairman Kessler stated that yes, he could present his findings. Mr. Scott stated that at the meeting two weeks ago he had requested a plan to address Line Item 5 attached to the Kristophel Plan of Lots



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created in 2009. That line item states that no further subdivision of the property can occur without bringing Community Center Drive up to Township standards. Bringing Community Center Drive up to Township standards would cost the Scotts more than \$288,000. Mr. Scott stated that because the public portion of Community Center Drive, Moore Alley and Kings Alley don't meet Township standards, it doesn't make sense to require him to improve the portion of Community Center Drive in front of his house to Township standards.

Mr. Scott stated that in a subsequent conversation with Township Manager Michael Foote, Mr. Foote had expressed that he felt the best option was going to be to seek an easement from the Warners to build a driveway off of their well pad road to the south of the Scotts' property. Mr. Scott stated that he spoke with the Warners today and they stated that they do not want to grant the Scotts an easement. Mr. Scott stated that in light of the Warners' refusal to grant an easement that he wishes to find another solution with the supervisors that does not involve him having to spend nearly \$300,000 to improve Community Center Drive.

Chairman Kessler stated that since the answer from the Warners was no, that the supervisors would need to regroup and see what other options exist.

- V. **Discussion Items** – Chairman Kessler asked whether there was any discussion items. None were addressed.

### VI. **Administrative Business**

- A. Chairman Kessler introduced for discussion Ordinance 2022-02, amendment to the Code of Lancaster Township modifying the current release rates and providing for severance and repeal of prior inconsistent ordinances. The ordinance memorializes the Township's commitment to stormwater management in support of the Lower Connoquenessing Group's work to reduce impacts to regional communities. Engineer Tom Thompson stated that there are nine communities in the Lower Connoquenessing watershed. All of those communities are joining together to pass similar ordinances and most have already passed theirs. This ordinance would apply to any new developments moving forward once the ordinance is passed. Mr. Thompson stated that he recommends that the supervisors pass the ordinance. Vice-Chairman Plesniak moved to adopt Ordinance 2022-02 Amendment to the Code of Lancaster Township modifying the current release rates and providing for severance and repeal of prior inconsistent ordinances. Supervisor Zinkham seconded the motion. Motion carried unanimously.



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- B. Chairman Kessler introduced for discussion the Southwest Butler County Church Softball League Agreement to use municipal fields for the 2022 Softball Season. Chairman Kessler asked Manager Foote whether the league's insurance is in order. Manager Foote asked Chairman Kessler to make the motion conditional upon receipt of the insurance information. Vice-Chairman Plesniak moved to approve the Agreement with Southwest Butler County Church Softball League to permit use of municipal ball fields for the 2022 Softball Season contingent upon verification of insurance. Supervisor Zinkham seconded the motion. Motion carried unanimously.
- C. Chairman Kessler introduced for discussion the completion of litigation with the Butler Eagle. Supervisor Zinkham moved to approve the settlement between Lancaster Township, Alex Weidenhof and the Butler Eagle and dismissal with prejudice of Cases MsD 2021-40053 and A.D. 21-10207 in exchange for a payment of \$6,500.00 to the Reporters Committee for the Freedom of the Press, and other good and valuable consideration. Vice-Chairman Plesniak seconded the motion. Motion carried unanimously. Chairman Kessler stated that under this motion the Township will be conducting training for the Right to Know Act by September. Solicitor Neva Stotler stated that she was looking at late August/September for the training. Ms. Stotler stated that the training has to be complete by October 11.
- D. Approval of Prior Meeting Minutes
1. Chairman Kessler asked whether there were any additions or corrections to the minutes of the March 21, 2022, Board of Supervisors Business Meeting. No one gave any additions or corrections.
    - a. Vice-Chairman Plesniak moved to approve the minutes of the March 21, 2022 Board of Supervisors Business Meeting. Supervisor Zinkham seconded the motion. Motion carried unanimously.
  2. Chairman Kessler asked whether there were any additions or corrections to the minutes of the April 4, 2022, Board of Supervisors Agenda Preparation Meeting. No one gave any additions or corrections.
    - a. Vice-Chairman Plesniak moved to approve the minutes of the April 4, 2022, Board of Supervisors Agenda Preparation Meeting. Supervisor Zinkham seconded the motion. Motion carried unanimously.



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### VII. Finance

- A. Financial Report -- Chairman Kessler asked if everyone had had a chance to review the April Treasurer's Report. No comments were made.  
Supervisor Zinkham move to approve the April Treasurer's Report. Vice-Chairman Plesniak seconded the motion. Motion carried unanimously.
- B. Bill Pay List – Chairman Kessler requested a motion to approve the Bill Pay List for payment of invoices from March 16, 2022, through April 12, 2022, totaling \$54,232.12 from the General Fund. Supervisor Zinkham moved to approve the Bill Pay List. Vice-Chairman Plesniak seconded the motion. Motion carried unanimously.

### VIII. Planning, Land Use, and Zoning

Chairman Kessler stated that the April 14<sup>th</sup> Planning Commission meeting was cancelled.

- A. Resolutions -- Chairman Kessler stated that there are no resolutions for the Board's consideration to adopt at this time.
- B. Other Business
  - 1. Chairman Kessler stated that the Scott matter had been discussed and the supervisors would look into the next possible steps and get back to them.
  - 2. Chairman Kessler asked Engineer Tom Thompson to comment on the Heather & Paul Meyer/Edwin Eckstein Lot Line Revision- Preliminary and Final Subdivision Plan for 311 Perry Hwy. (200-S2-AA & 200-S2-AB).  
Mr. Thompson stated that the plan has been submitted to the Butler County Planning Commission and the Township is waiting for their comments. Other than that everything meets the ordinance.  
Supervisor Zinkham moved to approve the Heather & Paul Meyer/Edwin Eckstein Lot Line Revision- Preliminary and Final Subdivision Plan for 311 Perry Hwy. Vice-Chairman Plesniak seconded the motion. Motion carried unanimously.



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3. Chairman Kessler asked Engineer Tom Thompson to comment on CL Holdings, LLC March 29, 2022 request for a Letter of Credit release in the amount of \$54,919.68 from their financial security.

Mr. Thompson stated that this is for the Graf land development plan and that the stormwater has been completed with the exception of seeding and Mr. Thompson recommends approval.

Vice-Chairman Plesniak moved to approve CL Holdings, LLC Letter of Credit release #1 in the amount of \$54,919.68. Supervisor Zinkham seconded the motion. Motion carried unanimously.

C. Chairman Kessler announced that the number of building permits issued in March was 18. The total number of building permits issued so far in 2022 was 34. Chairman Kessler announced that a PDF of the building permits issued can be found on the Township's website and paper copies of the report are available on the back table.

### **IX. Police Department**

- A. Police Report – Chairman Kessler asked Sergeant Cornell for his report. Sergeant Cornell stated that the calls for service YTD in 2022 are higher than in 2021. However, fewer calls were received in March 2022 than were received in March 2021.

Sergeant Cornell stated that he had collected data on traffic concerns. There were some complaints about Swain Hill Rd. The Lancaster Township Police Dept. issued 17+ citations on Swain Hill this year from 30+ traffic stops. E. Lancaster had 13+ citations from 20+ traffic stops. On Perry Highway at Salt Works Rd. there have been 40+ citations from 90+ vehicle stops. Only one large truck came through that area this year while police were doing traffic stops. Since last meeting officers have been doing a minimum of one patrol per day through Arden Woods from 7pm-7am. They have not seen or had any reports of any construction company working nor have any residents complained about equipment running during those hours. Nor have any residents complained of heavy truck traffic on Salt Works Rd. The Lancaster Township Police Dept. has also been patrolling the park multiple times per day for complaints that people weren't seeing enough police presence in the park. Chairman Kessler thanked Sergeant Cornell for his report.

### **X. Road Department**

- A. Roads Report – Chairman Kessler asked Roadmaster Mike Spiker for his report. Mr. Spiker stated that in March there were six snow events, two plowing and four materials application only. There were a total of 89.25 winter maintenance hours. 29



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were regular hours and 60.25 were overtime hours. The department used 35 tons of salt, 22 tons of antiskid and 740 gallons of salt-brine. The department opened Church Rd. for the spring, summer and fall months. The department has been working on filling potholes and working on drainage projects, as well as a couple of yard restorals. Supervisor Zinkham asked whether Youngblood had fixed Swain Hill Rd. Mr. Spiker stated that they are in the process of it as soon as the weather breaks.

- B. Chairman Kessler introduced for discussion the purchase of previously-owned Zero Turn mower for \$3,000. Vice-Chairman Plesniak asked Michael Woodward how many hours were on the machine. Mr. Woodward stated that there were 760 hours on it.

Vice-Chairman Joe Plesniak moved to approve the purchase of a 2006 TORO Zero Turn Mower in an as-is condition from Michael Woodward in the amount of \$3,000.00 utilizing funds approved in the Capital Improvement Plan. Supervisor Zinkham seconded the motion.

- C. Chairman Kessler introduced for discussion the announcement of the bids that were received for the Tar and Chip project, as well as for materials. Chairman Kessler requested a motion to conditionally award the 2022 Tar and Chip project to Youngblood Paving at a cost of \$1.86 per square yard with a projected total cost of \$110,279.31, contingent upon staff review for completeness and accuracy. Supervisor Zinkham asked whether the project cost had come in within the budget. Manager Foote stated that since the paving project will not be done this year those funds will be put toward this project. As a result, the Tar and Chip project will be under budget for the year.

Vice-Chairman Plesniak moved to award the 2022 Tar and Chip project to Youngblood Paving at a cost of \$1.86 per square yard with a projected total cost of \$110,279.31, contingent upon staff review for completeness and accuracy. Supervisor Zinkham seconded the motion. Motion carried unanimously.

Chairman Kessler requested a motion to conditionally award the 2022 Materials bid to McClymond's Supply and Transit at the unit cost identified in the bid tabulation form, contingent upon staff review for completeness and accuracy. Vice-Chairman Plesniak asked how many bids had come in on the aggregates. Manager Foote stated that we had received only one.

Vice-Chairman Plesniak moved to approve the 2022 Materials Bid to McClymond's Supply and Transit at the unit cost identified in the bid tabulation form:  $\frac{3}{4}$  x 0 slag at the price of \$13.04 per ton; R4 limestone at the price of \$21.52 per ton; #3 limestone at the price of \$21.52 per ton; 2B gravel at the price of \$19.45 per ton; R5 limestone at the price of \$36.47 per ton; anti-skid at the price of \$16.40 per ton; ash at the price of \$14.79 per ton, contingent upon staff review for completeness and accuracy. Supervisor Zinkham seconded the motion. Motion carried unanimously.



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Chairman Kessler requested a motion to conditionally award the 2022 Cold Patch General Purpose Materials to McClymond's Supply and Transit at a unit cost of \$101.21 per ton, contingent upon staff review for completeness and accuracy. Vice-Chairman Plesniak moved to approve the 2022 Materials Bid to McClymond's Supply and Transit at a unit cost of \$101.21 per ton, contingent upon staff review for completeness and accuracy. Supervisor Zinkham seconded the motion. Motion carried unanimously.

### **XI. Community Outreach**

A. Historical Records Committee Report – Chairman Kessler asked Kathy Ligday whether she had anything to report. Ms. Ligday stated that she did not have anything to report.

### **XII. Administration Reports:**

A. Township Manager's Report – Chairman Kessler asked Manager Foote for his report. Manager Foote stated that he attended the American Public Works Association Snow Conference in Pittsburgh. Mr. Foote stated that attending the workshop will equip him to help Mr. Spiker with the Township's winter maintenance needs. Manager Foote stated that he and his staff had met with Lance Welliver of the Butler County Parks and Recreation Department to discuss the parks grant the Township had received from the county. Mr. Foote stated that his office is working on the logistics of getting all the materials ordered. Manager Foote stated that the newsletter is 90% complete. The newsletter is planned to be mailed either at the end of April or beginning of May. Once the Postmaster receives the check for postage we will be able to send out the newsletters. Manager Foote stated that the newsletter is under budget. The budget is \$5,200 and the cost of the newsletter is estimated to be \$2,700-\$2,800. Manager Foote stated that he will be representing the Township at the PSATS conference in Hershey next week.

B. Solicitor's Report – Solicitor Neva Stotler stated that she wanted to thank the supervisors for cooperating with the settlement of the Butler Eagle case.

C. Engineers Report – Mr. Thompson stated that he did not have anything to add at this time.

D. Chair's Report – Chairman Plesniak stated that he did not have anything to report at this time.



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- XIII. **New Business** – none.
- XIV. **Old Business** – none.
- XV. **Public Comment for Non-Agenda Items** – Chairman Kessler opened the floor for public comment.

Charles Scott of 103 Locust Alley asked what materials were going to be purchased with the Butler County parks grant. Manager Foote stated that we would be purchasing engineered wood fiber fall surfacing for under the children’s playground equipment, we will be contracting to have the playground equipment sandblasted and undercoated. Office Administrator Jean Ignatuk added that we will also be purchasing mulch for around the trees in Bauder Park, as well as two park signs. Mr. Scott asked whether the mulch for under the children’s playground equipment will be compatible with what we currently have. Vice-Chairman Plesniak stated that yes, it will be safe for the children and compatible for what is currently in the park. Mr. Scott thanked the board.

John Meyer of 335 Camp Run Road. Mr. Meyer stated that the road crew was cleaning ditches on Camp Run Rd. and that he thought what they did was excessive and there was no need for the bank to be cut back the way they did. Mr. Meyer distributed photos to the board and asked the board what the Township planned to do to keep his bank from eroding. Chairman Kessler stated that it was his understanding that the township had offered to seed it. Mr. Meyer stated that putting seed on the bank would not stay. Mr. Meyer stated that he would like to see the Township get straw matting with the seed in it that can be stapled to the bank.

Manager Foote stated that this instance and one or two others have prompted him to change his procedures. Mr. Foote stated that he is working with the Roadmaster to create a project board that will allow the Township to plan projects into the future. In areas where stormwater comes into play the Township will have an internal team meeting with the Township Engineer to discuss best practices that need to be employed. Mr. Foote stated that by planning projects into the future the Township will be able to send notice to a homeowner to let them know that the Township will be working in their area. Mr. Foote stated that in this particular case, staff will meet to determine what can be done to mitigate any issues with the project that Mr. Meyer is concerned with.

Mr. Meyer stated that the straw matting that can be stapled to the bank would be an acceptable solution for him. Supervisor Zinkham asked Manager Foote to look into the straw matting for Mr. Meyer.

John Kennedy





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- XVI. Adjournment** -- Chairman Kessler moved to adjourn the meeting at 6:45pm. Supervisor Zinkham seconded the motion. Motion to adjourn was carried unanimously.