

July 8, 2020  
Lickdale, PA

The Union Township Board of Supervisors met in regular session on Wednesday July 8, 2020. The meeting was held at the Municipal Building, 3111 SR 72, Jonestown, PA.

Dennis Firestone called the meeting to order at 7:00 PM.

Present:

Dennis Firestone, Chairman

Kerry McCrary, Vice Chairman (absent but joined meeting at 7:41 p.m. via mobile device)

Gary Longenecker, Secretary

Brent McFeaters, Township Manager

Elizabeth Krause, Zoning Officer

Paul Bametzreider, Township Solicitor & Atty. Andrew Race

Steve Sherk, Township Engineer

Bob Gerhart of Matthew & Hockley

Marlin Martin for Rezoning Petition

Greg Kowalski, EIT, of H. Edward Black for Wellspan

Seven (7) Residents

#### PUBLIC COMMENTS

None

#### APPROVE BOS MEETING MINUTES FROM MAY 13, 2020 MEETING

Dennis Firestone made a motion seconded by Gary Longenecker to approve the June 10, 2020 the Board of Supervisors Meeting minutes. All approved

#### FINANCIAL REPORT -

Brent McFeaters said that because a check was voided, the May Bills Payable was revised and totaled \$90,222.95. Dennis Firestone made a motion seconded by Kerry McCrary to approve the Financial Report. All approved.

#### FORT INDIANTOWN GAP – DAVID WEISNIGHT

Mr. Weisnicht did not attend the meeting.

#### STATE POLICE – MONTHLY REPORT

The report is available with handouts when provided by the State Police

#### NORTHERN LEBANON FIRE AND EMERGENCY SERVICES (NLFES)

The report is available with Handouts (only when provided by the NLFES)

#### PLANNING COMMISSION – LIZ KRAUSE

Liz Krause reported the following from the July 1, 2020 Planning Commission Meeting:

1. Freightliner Subdivision & Land Development Plan  
No new information was received, and the plan was tabled until the August meeting.
2. Home 2 Suites Land Development Plan  
The Planning Commission recommends the Board accept a 45-day time extension per McCarthy Engineering letter dated 6/22/20. Dennis Firestone made a motion seconded by Gary Longenecker to accept the 45-day time extension for the Home 2 Suites Land Development Plan. All approved.
3. Lebanon Federal Credit Union Land Development Plan  
The Planning Commission recommends the Board accept the time extension until September 22, 2020 as granted in Josh Weaber's letter dated 6/22/20. Dennis Firestone made a motion seconded by Gary Longenecker to accept the time extension for the Lebanon Federal Credit Union Land Development Plan until September 22, 2020. All approved.
4. Wellspan Preliminary/Final Lot Consolidation Plan  
The Planning Commission recommends the Board approve the following:
  - Waiver to Section 3.04 to allow for submittal of the plan as Preliminary/Final. (Waiver request letter dated 6/10/20). Dennis Firestone made a motion seconded by Gary Longenecker to grant the waiver to Section 3.04 to allow the submittal of the Plan to be Preliminary/Final. All approved.
  - Approve the Wellspan Preliminary/Final Lot Consolidation Plan. After a brief discussion, Dennis Firestone made a motion seconded by Gary Longenecker to approve the Wellspan Preliminary/Final Lot Consolidation Plan. All approved.
5. Wellspan Preliminary Land Development Plan  
The Planning Commission recommends the Board
  - Accept 90-day time extension per letter dated 6/23/20. Dennis Firestone made a motion seconded by Gary Longenecker to accept the 90-day time extension for the Wellspan Preliminary Land Development Plan. All approved.Waivers as requested in Greg Kowalski's letter dated 6/10/20:
  - Section 4.03.C.8- regarding a traffic impact study
  - Section 5.04.C.1 – to allow a row of 5' high and a row of 2' high evergreen planting to provide high level and low level screening instead of an 8' high fence on the eastern property line abutting the residential use property.
  - Section 5.13.A – Waiver to curbing requirement along the western ROW along SR 72
  - Section 5.13.B – Waiver to sidewalk requirement along SR72 ROW
  - Section 5.13.B.4- Waiver to reduce the width of the sidewalk to 5'
  - Section 13.d (Stormwater Ord.) waiver for the use of HDPE smooth walled corrugated stormwater piping

- (It was determined that the 7<sup>th</sup> waiver requested to Section 13e regarding the crown pipe was not needed)

Dennis Firestone made a motion seconded by Gary Longenecker to approve all the waivers as recommended by the Planning Commission. All approved.

#### ZONING OFFICER REPORT – LIZ KRAUSE

Liz Krause reported that seven (7) permits were issued totaling \$1,947.00, and \$643.25 was received in reimbursement of fees and \$200.00 in plan submission fees.

Liz Krause also informed the Board that on June 22nd the Zoning Hearing Board granted the setback variances for Case #20-01 for setback variances for a garage at 58 Racehorse Drive and also for Case #20-02 for setback variances for a garage at 421 Jonestown Road.

The following information was reported on Zoning Enforcement Issues:

- There has been no change on the John and Linda Light property on Yingst Drive. Atty. Bametzreider said they talked to Tucker Hall who said they need more time to talk to their client, who previously made a proposal to have everything cleaned up by the end of October, but they haven't see anything formalizing that agreement. Atty. Andrew Race said they had a complaint filed, and the Light's filed late preliminary objections arguing that it is with the State on appeal. Atty Race added that his office preliminarily objected to their late objections because the Light's never appealed to the Zoning Hearing Board, so it is with the Court now for a decision and Atty. Bametzreider said the Township can't do anything until the Court makes a decision. Atty. Bametzreider added that he will continue to pursue the agreement because he'd like to get the property cleaned up. Atty Race said that he told Tucker Hall that if they are going to agree on the clean-up, the Township has to have a date serving, and if it's not cleaned up by that date, the Township can go in and clean it up at the owner's expense.
- The Hearing to have fines imposed and be reimbursed for legal fees regarding the tire dumping at 15 Campmeeting Road which was scheduled for Wednesday, July 1 was cancelled. Atty. Bametzreider said the Hearing was cancelled because they weren't able to get service on Mr. Kennedy who was previously living in Harrisburg but recently moved to Lebanon County and they will once again try to move forward with the District Justice
- Enforcement notices were sent to the Fake property on White Tail Lane and an appeal must be filed to the Zoning Hearing Board regarding the Zoning Enforcement Notice or the property must be brought into compliance by July 30<sup>th</sup>.
- A Zoning Enforcement Notice was sent to the property owners of 97 Moonshine Road and an appeal must be filed to the Zoning Hearing Board or the property must be brought into compliance by July 11<sup>th</sup>. Dennis Firestone asked what the next step will be if the properties are not brought into compliance by the due date. Atty. Bametzreider added that the Municipal Planning Code (MPC) says that if the property owner does not appeal the Zoning Enforcement notice within the 30 day time period, it is deemed as an automatic violation of the Zoning Ordinance and the next step would be to go to the District Justice office to ask that they impose fines. He said it could also be taken to the Court of Common Pleas and file a Complaint of Equity, but that is a longer process and is more expensive, so usually it's done the easier way with the District Justice action. Liz Krause noted that there is also a previous burning violation on this property, and Atty. Bametzreider said that since the burning violation doesn't fall under the MPC, they will file both complaints together.
- Enforcement Notices were sent to the owner of 239 Awol Road and an appeal must be filed or the property must be brought into compliance by August 1<sup>st</sup>.

- A Zoning Enforcement Notice was sent to the owner of 324 Awol Road regarding the recreational equipment that is parked on the property. The property owner's daughter, Heather Manz, stopped in at the Township with questions regarding the wording in Section 95 the Zoning Ordinance which states "no more than one item of major recreational equipment shall be parked or stored on any lot in any district except in a carport, an enclosed building or in a rear yard." Mrs. Manz said she is considering erecting a carport on her property for the car trailer and since she already moved the camper to the rear of the property, would she be allowed to have the horse trailer parked in her driveway due to the wording of the Ordinance. She asked to have this clarified, before they decide on the carport or file an appeal to the Zoning Hearing Board. Atty. Bametzreider said the Ordinance basically says that you can only have one item defined as recreational equipment on your property at one time, but then there is an "except clause" thrown in there which says if it's in a carport, in a driveway not interfering with the right of way, or if it's parked in the rear yard more than one piece of recreational equipment would be allowed on the property. Atty. Bametzreider added that it is his understanding that the recreational equipment on the property are all licensed and inspected.
- Enforcement notices were sent to the owner of 107 Hemlock Hill Lane regarding the accumulation of unlicensed vehicles, construction material and other miscellaneous items scattered throughout the property. An appeal must be filed, or the property must be brought into compliance by July 31<sup>st</sup>.

#### ROAD FOREMAN REPORT – BRYAN MICHAEL

Bryan Michael said they replaced two culverts on Awol Road, spread topsoil, mowed grass, and Ridge Road Bridge is now open. Helen Light commented that the people are happy, and they did a good job on the bridge.

#### ENGINEERS REPORT – STEVE SHERK

1. Atlantic-Sunrise Pipeline. \$75,000 remains deposited as security until all restoration work is complete and the contractor yard is removed at Wolf Lane. Allan Berenbrok said he will come back for a final visit and inspection with the Township.
2. Quartermaster Road Culvert. Mohawk Site Development needs to install permanent erosion liner around both the upstream and downstream gabion walls and along the steep road embankments before the contract is closed out. As of late last week, Mohawk said the specified liner was on backorder. The contract balance remains at \$1,000.00.
3. Ridge Road Bridge Replacement. The work is substantially completed, and the bridge is open for use. Custer Excavating will likely return to the site next week to work on the punch list items. See letter dated July 6, 2020 with recommendation for Pay Application No. 2. Dennis Firestone made a motion seconded by Gary Longenecker to authorize the payment of \$187,693.00 to Custer Excavating, Inc. for the Ridge Road Bridge Replacement allowing the remaining balance of \$10,150.00 including 5% retainage. All approved.
4. Parking Lot Paving Project. The work is complete. See attached letter dated July 2, 2020 with recommendation for Pay Application No. 1. Dennis Firestone made a motion seconded by Gary Longenecker to authorize the final payment in the amount of \$92,586.30 to Ronnie C. Folk Paving for the Parking Lot Resurfacing Project. All approved.

5. 2020 Paving Projects. Martin Paving has completed all oil & chip contract work except for line painting, which Berks Traffic is supposed to complete at the same time as the Township's parking lot and the roads Pennsy Supply recently paved. Martin has submitted invoices in the amount of \$72,222.59. We recommend the Township pay these invoices. Dennis Firestone made a motion seconded by Gary Longenecker to authorize the payment of \$72,222.59 to Martin's Paving for the 2020 Paving Projects. All approved. Pennsy Supply has completed all the paving work except for Tomstown Road, which is scheduled for this Thursday and Friday, and line painting.
6. Weiler Farms No. 3. According to Weiler's engineer, the remaining work has been completed. We will conduct an inspection soon to verify the work is finished. As a reminder, a balance of \$11,500 remains on Fulton Bank Letter of Credit No. D004492 to guarantee construction of improvements shown on the approved Final Land Development Plan. The engineer must also provide an As-Built Plan prior to final release of financial security.
7. Ridge Road Culvert Replacement. All surveying and wetland delineation work is complete. We are working to submit the GP-11 package by the end of month.

Steve concluded his report by saying that he wanted to talk to the Board about the steps that would be required to implement truck restrictions between the warehouses and Fisher Avenue and that if the Board wanted to restrict the trucks, a study would have to be done. A discussion was held regarding the process and Gary Longenecker asked who would enforce the restriction. Dennis Firestone said he feels that it's worth waiting to see how everything plays out after the access control points are installed by Ft. Indiantown Gap, and Gary Longenecker agreed that he feels it would be best to wait as well.

#### SOLICITOR'S REPORT – PAUL BAMETZREIDER

##### ORDINANCE # 179 – REZONING PETITION FOR JONESTOWN GROUP, LLC

At 7:41 p.m., Supervisor Kerry McCrary joined the meeting via mobile device. Atty. Bametzreider said at the June meeting the Board directed him to advertise for consideration at tonight's meeting Ordinance # 179 which was advertised in the "Daily News" and was posted in the required places. Because Ordinance # 179 would be an amendment to the Township Zoning Map, a Public Hearing had to be held, which was held in March Pursuant to Public Notice. Attorney Bametzreider continued by explaining that Ordinance #179 is ready for consideration and essentially will be rezoning approximately 45.53 acres which is currently zoned either agricultural or commercial and by adopting the Ordinance, the Board would be rezoning the parcels to Low Density Residential Zoning (R-1). After a brief discussion, Dennis Firestone made a motion seconded by Gary Longenecker to adopt Ordinance #179. Kerry McCrary also voted in favor via mobile device. All approved.

#### NEW BUSINESS

##### MOTION TO PURCHASE A HYDRAULIC POST POUNDER TO INSTALL STREET SIGNS.

Brent McFeaters explained to the Board that the cost for the hydraulic post pounder and 20 feet of hydraulic hoses are \$3,300.00. Mr. McFeaters added that the cost to rent a

gas post pounder is \$65.00 a day or \$210.00 per week. Kerry McCrary said it would be more beneficial to rent the post pounder rather than making the purchase. Dennis Firestone and Gary Longenecker agreed that a post pounder should not be purchased but should be rented when the need for one arises.

**MOTION TO APPROVE QUOTE IN THE AMOUNT OF \$2,487.00 FROM WILLIAM ORR & SONS, INC. FOR GUIDE RAIL TO BE INSTALLED AT THE TOWNSHIP BUILDING**

Brent McFeaters said that Steve Sherk agreed that \$2,487.00 is a reasonable price for the guide rail installation at the Township. After a brief discussion, Gary Longenecker made a motion seconded by Kerry McCrary to approve the quote of \$2,487.00 from William Orr & Sons, Inc. for the guide rail to be installed at the Township. All approved.

**RESIDENT INFORMATION**

Brent McFeaters explained that a once a year a Household Hazardous Waste pick up is available for Lebanon County residents for a \$15.00 copay at the time of scheduling. To schedule a pickup you may contact 1.800.742.5542 Extension 123 or visit [www.mxiinc.com/lebanon](http://www.mxiinc.com/lebanon).

**BILLS PAYABLE**

Dennis Firestone made a motion seconded by Gary Longenecker to pay the bills in the amount of \$68,866.27 from the General, Recycling, Liquid Fuels Street-Light, & Payroll Funds. All approved.

**DATE OF NEXT PLANNING COMMISSION MEETING**

Wednesday, August 5, 2020 - 7:00 PM

**DATE OF NEXT LICKDALE TREATMENT PLANT MEETING**

Wednesday, August 12, 2020 - 6:30 PM

**DATE OF NEXT BOARD OF SUPERVISORS MEETINGS**

Wednesday, August 12, 2020 - 7:00 PM

**ADJOURNMENT**

With no further business or comments, the meeting was adjourned at 7:52 p.m.

Respectfully submitted,

Elizabeth Krause  
Recording Secretary