

August 12, 2020
Lickdale, PA

The Union Township Board of Supervisors met in regular session on Wednesday, August 12, 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

Gary Longenecker, Secretary

Brent McFeaters, Township Manager

Elizabeth Krause, Zoning Officer

Atty. Andrew Race for Paul Bametzreider, Township Solicitor

Steve Sherk, Township Engineer

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

Justin Doty, Freightliner

Eleven (11) Residents

PUBLIC COMMENTS

Jasen Geesaman, owner of Appalachian Auto at 10 Campmeeting Road explained to the Board that several years ago the Township installed a pipe to redirect water that was crossing Route 72 by directing it into the creek, but the water was not properly routed and is bleeding onto part of his land which is not where the water was meant to go and noted that his land is currently saturated from this road water. Kerry McCrary asked why the pipe was installed and Gary Longenecker said it was installed because the water was running across Route 72 onto the property and was originally approved to run all the way down to the creek, but he believes the day after the meeting one of the previous supervisors told the previous manager not to run the pipe all the way down to the creek so it wasn't installed as it was supposed to be. Brent McFeaters, Township Manager said he will look in the minutes to find if any action was taken at a previous meeting. After a discussion about this water causing a hardship regardless of whether or not it is in the previous minutes, Kerry McCrary made a motion seconded by Gary Longenecker to take action and extend the pipe another 140 feet all the way to the creek. All approved.

Jim Darkes asked if the Board has given any thought to the possibility of refinancing the debt of the wastewater plant because interest rates for municipal projects are extremely low right now and well below 2%. The Board agreed to have Brent McFeaters, Township Manager check into refinancing options for the sewer treatment plant.

Dale Gipe of 239 Awol Road said he keeps getting letters from the Township about his property and would like to know what they want done. Atty. Andrew Race said it is his understanding that Mr. Gipe is having trouble getting titles to the vehicles that are on the property because of Penn Dot working from home. Mr. Gipe said he has received titles to two of the seven vehicles that have been on the property for years but he can't make PennDot move any faster and would appreciate some time to get the property cleaned up

since it's been let go for so long. He added that he mows every week and is doing everything he can do bring the property into compliance and feels it looks a lot better than it has and would like to be left alone for a little bit so he can finish moving.

Kerry McCrary asked why he just can't take the cars to the junk yard if they are in such bad shape, but Mr. Gipe said that the cars must be chopped into at least four pieces in order to take them to the junk yard without titles, and he does not have the capability to do that. He said that he has an attorney working on getting the titles from Penn Dot and is waiting for the Court Order from the judge and one of them has already gone through, but it sounds like it requires more research. He noted that the title paperwork that he received last week was from March so that shows things are chaotic because of the pandemic. He added that the State also set a new rule that all vehicles can be uninspected until the end of August, because they are out of stickers

Atty. Race asked if Mr. Gipe's attorney could send the Township a letter, because the Township would be happy to wait. Atty. Race also asked Mr. Gipe for the name of his attorney, and Mr. Gipe said his attorney is Brett Wiest with Buzgon Davis Law Offices and Atty. Race said he will contact him.

APPROVE BOS MEETING MINUTES FROM JULY 8, 2020 MEETING

Kerry McCrary made a motion seconded by Dennis Firestone to approve the July 8, 2020 the Board of Supervisors Meeting minutes. All approved

FINANCIAL REPORT -

Gary Longenecker 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 August 5, 2020 Planning Commission Meeting:

1. Freightliner Minor Subdivision & Preliminary Land Development Plan
The plan was resubmitted as a preliminary plan and the Planning Commission recommends the Board approve the Freightliner Minor Subdivision and Preliminary Land Development Plan. Dennis Firestone made motion seconded by Gary Longenecker to approve the Freightliner Minor Subdivision & Preliminary Land Development Plan. All approved.

2. Home 2 Suites Land Development Plan
No action was taken on the plan

3. Lebanon Federal Credit Union Land Development Plan

The Planning Commission recommends the Board approve the following waivers:

- Section 5.11.C.10.a. regarding street improvements
- Section 5.11.C.11.b regarding the requirements to widen the existing cartway
- Section 5.13.B regarding sidewalks with the deferment that if the Township believes there is a need for sidewalks in the future, it would be the landowner's responsibility to install the sidewalks.

Dennis Firestone made a motion seconded by Kerry McCrary to approve the three waivers a recommended by the Planning Commission including adding the deferment that if the Township believes there is a need for sidewalks in the future, it would be the landowner's responsibility to install the sidewalks. All approved.

4. Wellspan Preliminary Land Development Plan

The Planning Commission recommends the Board approve the Wellspan Preliminary Land Development Plan. Dennis Firestone made a motion seconded by Gary Longenecker to approve the Wellspan Preliminary Land Development Plan. All approved.

5. Huffman Subdivision Plan

The Planning Commission recommends the Board approve the Huffman Subdivision Plan. Dennis Firestone made a motion seconded by Kerry McCrary to approve the Huffman Subdivision Plan. All approved.

6. Dane DiAngelis Potential Subdivision

The Planning Commission reviewed and provided comments on a potential future subdivision for Dane DiAngelis regarding his property along Route 22 and Hill Drive.

ZONING OFFICER REPORT – LIZ KRAUSE

Liz Krause reported that eight (8) permits were issued totaling \$900.00 and \$2,902.85 was received in reimbursement of fees and \$200.00 in stormwater plan submission fees.

- There has been no change on the John and Linda Light property on Yingst Drive. Andrew Race added that the Light's attorney is on vacation and their Preliminary Objections are still pending and their appeal is also still pending.
- I spoke with Derek Bartram of DEP and he said he is working on filing the cleanup order to remove the tires from the property at 15 Campmeeting Road. There are no changes on the property. Atty. Race said the Hearing is scheduled for Friday, September 4th at 8:30 a.m. at District Magistrate's office in Cleona and is pending

whether or not a defense is entered but at this time he is recommending the Board stay at the Magistrate level with this case and let DEP spend the money to get the order to make them remove the tires.

- As reported last month, Enforcement Notices were sent to the Fake property on White Tail Lane and an appeal had to be filed to the Zoning Hearing Board regarding the Zoning Enforcement Notice or the property had to be brought into compliance by July 30th. There is still lots of construction material in the driveway and some vehicle parts and other items scattered through the property, as well as several boats. I have not received any communication from the property owner. As discussed at last month's meeting, after Atty. Bametzreider interpreted the ordinance regarding the storing of recreational equipment on a property, the boat may be allowed to remain on the property. Atty. Race added that depending on where the boats are parked, they can stay on the property. Andrew Race said the Board can either go to the magistrate to impose fines or go to the Court of Common Pleas level for an order to clean up the property. A discussion was held that since the property owner had been slowly making progress on cleaning up the property, to monitor if progress is still being made next month before moving forward with litigation.
- The Zoning Violation and the Burning Violation regarding the property at 97 Moonshine Road is being pursued by Atty. Bametzreider and his staff. Andrew Race said he has the complaint ready to go and as the beginning of August the time to appeal to the Zoning Hearing Board has expired and therefore it is a per se violation. As discussed at the last meeting, it makes the most sense to deal with the burning issue and the zoning issue in one complaint, so that the Township isn't spending money twice. Atty. Race said the Complaint is prepared and it will be filed tomorrow morning and asked the Board for authorization to initiate litigation. Dennis Firestone made a motion seconded by Kerry McCrary to move the litigation against 97 Moonshine Road forward. All approved.
- Last month I reported that 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 1st. The property owner contacted me last week stating that he has been working diligently to get the cars removed from the property, but due to the pandemic it is taking longer to get the titles. He said he was going to attend this meeting to speak on his behalf and ask for more time. It was noted that Mr. Gipe spoke to the Board under the "Public Comments" section of the meeting.
- As reported last month 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 and an appeal had to be filed or the property had to be brought into compliance by July 31st. Although some improvements have been made since last month's meeting, there is still lots of construction material, partially dismantled vehicles and unlicensed vehicles remaining on the property and I have not received any communications from the property owner. Atty. Race asked if the Board wants to seek a fine against the

property or compel a cleanup. Kerry McCrary asked if a complaint was filed regarding this property, and Liz Krause said there was a complaint filed. Kerry McCrary said that he feels if a complaint was filed, then the Board should move forward with the litigation. Atty. Race said it would be his recommendation to file a complaint in equity with the Court of Common Pleas to compel them to clean up the property and if they fail to do so, allow the Township to do it at their expense. Kerry McCrary made a motion seconded by Dennis Firestone to move forward with the litigation against 107 Hemlock Hill Lane. All approved.

- A certified letter was sent to the property owner of 335 Awol Road regarding a horse trailer that was being stored on his vacant lot which is not permitted since a principal use is not established on the property. It appears that the horse trailer has been removed from the premises.

ROAD FOREMAN REPORT – BRENT MCFEATERS

Brent McFeaters, Township Manager reported that the road crew will be repairing the soft spots on Hoover Drive and also on Calvary Road. A discussion was held about the trucks that are tearing up Calvary Road and the repairs that are going to be made, and Steve Sherk suggested repairing the roadside swale to get the water off the road.

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 July 14th, Mohawk had received the erosion liner material and was going to notify me when they plan to return to install. 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 has addressed several of the most critical punch list items (e.g. relocate guiderail at intersection). However, there are several punch list items that remain incomplete. We are in communication with Custer about correcting these items.
4. 2020 Paving Projects. Martin Paving has satisfactorily completed all oil & chip contract work.

Penny Supply has completed all the paving work except for necessary repairs to several sections along Tomstown Road where the Township rejected the newly installed pavement due to soft subgrade conditions. As requested, Penny Supply provided a change order proposal to pave a driveway apron and gutter along the south side of the road across from the Gap's Robotics Research Facility and Range Operations Center. Penny's lump sum quote to pave the driveway apron is \$13,490.57. The change order proposal did not include estimated quantities and/or unit prices, so it is difficult to compare the quote with the original bid which had unit prices for each paving item. However, the proposed lump sum amount seems excessive, so we do not recommend acceptance of the

change order. In lieu of the change order, the Township can restore the driveway apron by backfilling with modified stone. If standing water and erosion become a problem in this area, the Township can request a proposal to pave the apron in the future as a standalone project or as part of larger combined paving contract.

Pennsy Supply has agreed to fix an indentation in front of 165 Racehorse Drive where a branch was embedded and later removed from the newly placed pavement. They are also willing to provide an extended 3-year warranty for a section of Racehorse Drive where the paving seam was wider than normal and subsequently sealed. The extended warranty would be limited to the seam itself and/or any problems that may develop if the seam should reopen.

5. Weiler Farms No. 3. All outstanding work is completed except for several remaining punch list items noted in my letter dated August 11, 2020 which recommends reducing the letter of credit by \$10,000 down to \$1,500. Dennis Firestone made a motion seconded by Kerry McCrary to reduce Weiler Farms No. 3 letter of credit by \$10,000.00 to \$1,500.00 All approved.
6. Ridge Road Culvert Replacement. Preliminary design work is complete. The PNDI search indicated a potential bog turtle habitat impact so we completed a Phase 1 big turtle survey and submitted it to USFWS for review and clearance. Our survey found no bog turtle habitat. We plan to submit the GP-11 permit registration to DEP upon receipt of USFWS clearance. We are meeting with a Verizon representative on Thursday morning to discuss relocation of a pole that will interfere with the upstream end of the culvert.

NEW BUSINESS

LEBANON COUNTY AGRICULTURAL LAND PRESERVATION BOARD ASKING FOR A DONATION

Brent McFeaters explained to the Board that the Lebanon County Agricultural Land Preservation Board is asking for a donation to preserve farmland in Lebanon County and noted that last year the Township donated \$1,000.00. Kerry McCrary made a motion seconded by Dennis Firestone to donate \$1,000.00 to the Lebanon County Agricultural Land Preservation Board. All approved.

HOFFER QUOTE TO PAVE SANDSIDING ROAD

Brent McFeaters explained to the Board that the Sand Siding Road approach onto State Route 443 needs to be paved and added that Hoffer paving provided a quote of \$6,500 which will mill along the road's edge, use 2A modified stone to fill low areas, compact the stone and pave the approach area. After a brief discussion, Dennis Firestone made a motion seconded by Kerry McCrary to authorize Hoffer Paving to do the work on the Sand Siding Road as quoted. All approved.

PROPOSAL FROM EAST HANOVER TOWNSHIP FOR RECREATIONAL FUNDS

Mr. McFeaters explained that the Township has received another proposal from East Hanover Township to be considered for \$10,000.00 from the Township Recreation Fund to be used to complete the handicap walking trail around the H. M. Levitz Memorial Pond. He noted that at the June meeting the Board already awarded \$6,150.00 from the Recreation Fund to East Hanover Township. After a brief discussion, Dennis Firestone made a motion seconded by Gary Longenecker to not donate any additional funds to H. M. Levitz

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Memorial Pond at this time other than the \$6,150.00 as previously approved. All approved.

BILLS PAYABLE

Dennis Firestone made a motion seconded by Gary Longenecker to pay the bills in the amount of \$475,870.28 from the General, Recycling, Liquid Fuels Street-Light, Recreation & Payroll Funds. All approved.

DATE OF NEXT PLANNING COMMISSION MEETING

Wednesday, September 2, 2020 - 7:00 PM

DATE OF NEXT LICKDALE TREATMENT PLANT MEETING

Wednesday, September 9, 2020 - 6:30 PM

DATE OF NEXT BOARD OF SUPERVISORS MEETINGS

Wednesday, September 9, 2020 - 7:00 PM

ADJOURNMENT

With no further business or comments, the meeting was adjourned at 8:02 p.m.

Respectfully submitted,

Elizabeth Krause
Recording Secretary