

October 14, 2020  
Lickdale, PA

The Union Township Board of Supervisors met in regular session on Wednesday, October 14, 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

Bryan Michael, Road Crew Supervisor

Paul Bametzreider, Township Solicitor & Atty. Andrew Race

Steve Sherk, Township Engineer

Six (6) Residents

#### EXECUTIVE SESSION

Dennis Firestone announced that an Executive Session was held by the Board on the morning of Saturday, October 3, 2020.

#### PUBLIC COMMENTS

None

#### APPROVE BOS MEETING MINUTES FROM AUGUST 12, 2020 MEETING

Kerry McCrary made a motion seconded by Dennis Firestone to approve the September 9, 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 (absent)

Mr. Weisnicht did not attend the meeting, but Brent McFeaters, Township Manger read the report he received from Mr. Weisnicht:

1. War Fighter Exercise starts this Monday, October 19<sup>th</sup>, and will impact the Township with an additional 3,000 Troops in the Gap. The Exercise will continue through November 13<sup>th</sup>.
2. Artillery Live Fire Training will be conducted October 25-28. Demolition training will be conducted on October 16, 23<sup>rd</sup>, and 30<sup>th</sup>. As always, a busy flight schedule from Muir Army Airfield and the Eastern Army Aviation Training Facility. The Bollin Air Ground Range will continue to see weekly use by A-10 Aircraft.

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 October 7, 2020 Planning Commission Meeting:

1. Home 2 Suites Land Development Plan

No new information was received, and the plan was tabled until the November meeting

2. Lebanon Federal Credit Union Land Development Plan

The signed agreements were delivered to Atty. Bametzreider but since the financial security was not in place, no action was taken, and the plan was tabled until the November meeting.

Liz Krause explained to the Board that Lebanon Federal Credit Union has submitted a letter requesting approval of their plan contingent upon receipt of their Letter of Credit. Atty. Bametzreider said that because the letter of credit is the only outstanding item to be provided by the developer, the Board is obligated to grant plan approval contingent upon receipt of the letter of credit because Section 509.(b) of the Pennsylvania Municipalities Planning Code says that when requested by the developer in order to facilitate the financing, the governing body or planning agency, if designated, shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining satisfactory financial security. After a brief discussion, Dennis Firestone made a motion seconded by Gary Longenecker to approve the Lebanon Federal Credit Union Land Development Plan contingent upon receipt of the Letter of Credit. All approved.

ZONING OFFICER REPORT – LIZ KRAUSE

Liz Krause reported that nine (9) permits were issued totaling \$595.00 and \$1,482.78 was received in reimbursement of fees, and \$1,200.00 in Zoning Hearing Board Fees.

On September 28<sup>th</sup> the Zoning Hearing Board granted a use variance (Case# 20-03) to allow a small (two person) shipping business at 3275 State Route 72 (Formerly Woods Creek Restaurant).

On October 5<sup>th</sup> the Union Township Appeals Board granted a variance to the Building Code Regulation (Appeals Board Case # 01-2020) which requires an automatic sprinkler system installation when there is a residential use in a Commercial building since the new owners will be residing on the second floor of the building at 3275 State Route 72.

Zoning Hearing Board Case #20-04 & Case 20-05 will be held on Monday October 26 at 7:00 p.m:

Dane DiAngelis (Case #20-04) petitioned the Zoning Hearing Board for two setback variances for his proposed subdivision of his Commercial zoned property located at 10696

Allentown Blvd. upon which he wants to separate the residential apartments from the storage unit complex

Jason Propst (Case #20-05) petitioned the Zoning Hearing Board for variances regarding the farm occupation requirements on behalf of his neighbor who is interested in purchasing his property at 288 Ft. Swatara Road and would like to continue the existing farming operation and be allowed to move his existing business of a farm occupation & service garage from his father's farm to the existing garage on the Propst property.

- There has been no change on the John and Linda Light property on Yingst Drive. Atty. Bametzreider added that there is an appeal in the Commonwealth Court that is being handled by the Zoning Hearing Board Solicitor, Keith Kilgore. Tucker Hall, the Light's Attorney has until Friday to do something with the Commonwealth Court or they said they will dismiss it. The Township has the enforcement action with Lebanon County Court where they filed preliminary objections to the Township's complaint for enforcement. Tucker Hall has agreed to an entry of a judgement in that action so Atty. Bametzreider has prepared a Stipulation of Judgement which means they agree to the entry of judgement, and under the stipulation, they have until April 30<sup>th</sup> to get the property into compliance. Atty. Bametzreider said that now there will be a judgement on file in the Courthouse that says if they don't have the property in compliance with the Zoning Ordinance by April 30<sup>th</sup>, they will get a \$500.00 a day judgement against them, will have to pay all the Township Attorney Fees and all the costs to bring the property into compliance.
- There are no changes on the property at 15 Campmeeting Road. The DEP clean-up order is still with their legal department and Derek Bartram said it will probably go out next week and it will give them 45 days to clean up the property. If they don't clean it up, the next step will be a Petition to Enforce which still might only fine the owner or give him jail time. Atty. Bametzreider added that the Township has a judgement against the property owner for \$12,000.00 which they have failed to appeal, so the Township can file the judgement with the Prothonotary's office which will result in a lien against the property and it will enable us to send the sheriff out to levy on the tires so we can make some kind of arrangement to get the tires off the property, and lien the property for the costs. Atty. Bametzreider said the Township could order a Sheriff sale of the property because a municipal lien comes before every other lien. He pointed out that if there is a mortgage on the property, and the Township starts forcing it, because it's a municipal lien, a lot of times a mortgage company will pay it off to get the Township out of the way, and they will deal with the property owner themselves. Atty. Bametzreider said they will get the judgement and do a search on the property to see what's against it, and they'll be able to advise the Board to determine what can be done to collect on the judgement.
- It appears that one of the trucks were removed from on the property at 97 Moonshine Road, but no other changes were seen. The Zoning Violation and the Burning Violation are being pursued by Atty. Bametzreider and his staff. Atty. Bametzreider said that the Judge received contact from Attorney Greer Anderson who is looking for some time to get the property cleaned up. Attorney Bametzreider said he doesn't want to give them time, without getting a judgement, so they are going to ask for a

stipulated judgement, with a timeframe to get the property cleaned up, and if they don't do it, it's the same type of arrangement we have with the Lights where we can do it, and start collecting fines and get all the fees and all the costs paid.

- A small amount of construction material has been removed from the driveway of the Fake property at 47 White Tail Lane.
- As discussed at last month's meeting, Atty. Race has made contacted Atty. Brett Wiest regarding the delays in obtaining the car titles for the property at 239 Awol Road. No changes were seen at the property as of Monday. Atty. Race noted that PennDot has still not responded to the Petition at this point, and they are still working remotely.
- There are no changes on the Dzwonchyk property at 107 Hemlock Hill Lane. Atty. Bametzreider said they just received the return of service which said the Sheriff served the property owner on October 4<sup>th</sup>, and she has until the 25<sup>th</sup> to file an answer. If she doesn't file an answer, they will send a 10-day notice with the intention to take default judgement, and if there is no response to that, Atty. Bametzreider's office will enter a default judgement.
- A certified letter was sent to the owners of 152 Silvertown Road regarding several unlicensed vehicles and other miscellaneous items scattered throughout the property.

#### ROAD FOREMAN REPORT – BRYAN MICHAEL

Bryan Michael reported that the road crew has been busy with the Fall Cleanup, washing the trucks and getting the plows ready for the winter weather.

#### ENGINEERS REPORT – STEVE SHERK

1. Atlantic-Sunrise Pipeline. All pipeline installation and restoration work in the Township were reportedly completed and the laydown yard on Wolf Lane was restored. \$75,000 remains deposited as security. I am meeting with Allan Berenbrok tomorrow afternoon for a final inspection of restoration work on the Township's roadways and will follow-up with a recommendation to release the remaining security.
2. Quartermaster Road Culvert. The remaining permanent erosion liner was installed around the gabion endwalls last week. All work is now complete; therefore, we recommend final payment in the amount of \$1,000. Dennis Firestone made a motion seconded by Gary Longenecker to make the final payment of \$1,000.00 to Mohawk Contracting and Development, Inc. for the Quartermaster Road Culvert Replacement Project. All approved.
3. 2020 Paving Projects. Pennsy Supply addressed the punch list items on Tomstown Road on Saturday, September 12<sup>th</sup>. They also fixed the indentation in front of 165 Racehorse Drive where a branch was embedded and later removed from the newly placed pavement. All work is now complete and final payment can be approved if it hasn't already been

remitted. Brent McFeaters, Township Manager said the final payment for the 2020 Paving Project was issued.

4. Ridge Road Culvert Replacement. We received an email from USFWS concerning the potential bog turtle impact for the project. USFWS recommends in-stream construction work occur between November 1 and March 31 as a bog turtle avoidance measure. We accepted this recommendation and promptly submitted the completed GP-11 permit application to DEP last week. We will wait for DEP approval of the GP-11 before preparing bid documents.
5. Sand Siding Road (Dirt, Gravel and Low Volume Road (DGLVR) Grant. – The required wetland investigation and field survey of the first 500 l.f. of the roadway are complete. We completed a preliminary hydraulic analysis and are looking at a 16'-10" span x 4'-6" rise aluminum box culvert with open bottom bearing on prefabricated aluminum footer plates. We are currently working on the base mapping and starting the GP-11 permit registration. However, there are wetlands within the expected project limits, and we need to verify the area of anticipated wetland disturbance before we can confirm the GP-11 will be applicable. Due to the presence of wetlands within 300 feet of the project, we will also need to obtain USFWS clearance for the bog turtle. Brent McFeaters, Township Manager added that the Township is looking to upgrade the entrance on Sansiding Road and that most of the funding for the project will be coming from grant money and the Township will receive \$200,000 from the State for the upgrade. Steve Sherk noted that the grant must be used for a dirt and gravel, low volume road.
6. Debra Shuey Poultry Operation. – As noted in my letter dated September 25, 2020, I am recommending the Township release \$131,159.60 from the established letter of credit. This will leave a balance of \$9,075.00 as security for the punch list items noted in my letter. Dennis Firestone made a motion seconded by Gary Longenecker to release \$131,159.60 from the Debra Shuey Poultry Operation established Letter of Credit leaving a balance of \$9,075.00 as security for the remaining punch list items. All approved.

#### SOLITOR'S REPORT – PAUL BAMETZREIDER

##### AGREEMENT WITH EAST HANOVER TOWNSHIP FOR RECREATION FUNDS

Atty. Bametzreider said that he has prepared the Agreement for the Board's signature which grants East Hanover Township \$6,150.00 from the Union Township Recreation Fund which will be used to install pavers around the pond at H.M. Levitz Park and a community handicap-accessible walking trail. Dennis Firestone made a motion seconded by Kerry McCrary to authorize the signing of the Agreement with Easter Hanover Township to contribute \$6,150.00 from the Union Township Recreation Fund for Phase II of the H. M. Levitz Park Development Project. All approved.

## NEW BUSINESS

### MOTION TO APPROVE THE 2020 WORKERS COMPENSATION AND EMPLOYERS LIABILITY INSURANCE POLICY OF \$9,867.00

Dennis Firestone made a motion seconded by Kerry McCrary to approve the 2020 Workers Compensation and Employers Liability Policy in the amount of \$9,867.00. All approved.

### MOTION TO DONATE TO THE MATTHEWS PUBLIC LIBRARY

Brent McFeaters said last year's donation to the Library was \$1,500.00. Kerry McCrary made a motion seconded by Gary Longenecker to Donate \$1,500.00 to the Matthew's Public Library from the Recreation Fund. All approved.

### CARD SYSTEM AT THE RECYCLING CENTER DUE TO GARBAGE ISSUES

Kerry McCrary said that the Board has been monitoring the expenses involved with the Recycling Center, and due to all the garbage and unrecyclable items being discarded at the center, it will either have to go to a card system for Township residents only, or the Recycling Center will have to close down. Dennis Firestone said Union Township is the only recycling center in the northern side of Lebanon County that does not have a card entry system and it's probably the reason for all the junk being discarded in the recycling bins. Gary Longenecker said in the past week there were waste cans, milk crates, carpets and foam found in the bins which all had to be taken out, and then put with the Township's garbage to get hauled away at an extra cost to the Township.

Nancy Light asked how the card system will work, and Kerry said the residents will pay a yearly fee to the Township to get a card which will give them access to the center, but noted that the fee has not yet been determined. Dennis Firestone said the average card charge in Lebanon County is \$25.00 to \$40.00 a year and explained that there will be only one way into the Recycling Center and one way out, and it will be for Township residents only. Brent McFeaters added that if the recycling center is open for Township residents only, he doesn't think the junk will be an issue and he is currently working on getting a proposal for the card system.

### LEBANON COUNTY TIRE COLLECTION

Since the Lebanon County Tire Collection was postponed in April, the new date to drop off tires is November 4, 2020, 8:00 am. to 7:00 p.m. at the Lebanon Valley Expo Center. Brent McFeaters added that the applications for the Tire Collection are in the Lobby.

### ELECTION DAY

Election Day will be held on Tuesday, November 3, 2020 and the polls open at 7:00 a.m.

### TRICK OR TREAT NIGHT

Trick or Treat Night will be held on Thursday, October 29, 2020 from 6:00 p.m. to 8:00 p.m.

**OLD BUSINESS**

None

**BILLS PAYABLE**

Dennis Firestone made a motion seconded by Gary Longenecker to pay the bills in the amount of \$566,168.07 from the General, Recycling, Liquid Fuels Street-Light, & Payroll Funds. All approved.

**DATE OF NEXT PLANNING COMMISSION MEETING**

Wednesday, November 4, 2020 - 7:00 PM

**DATE OF NEXT LICKDALE TREATMENT PLANT MEETING**

Thursday, November 12, 2020 - 6:30 PM

**DATE OF NEXT BOARD OF SUPERVISORS MEETINGS**

Thursday, November 12, 2020 - 7:00 PM

**ADJOURNMENT**

With no further business or comments, the meeting was adjourned at 7:54 p.m.

Respectfully submitted,

Elizabeth Krause  
Recording Secretary