

January 13, 2021
Lickdale, PA

The Union Township Board of Supervisors met in regular session on Wednesday January 13, 2021. The meeting was held at the Municipal Building, 3111 SR 72, Jonestown, PA.

Dennis Firestone called the meeting to order at 6:45 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

Scott Rights filling in for Steve Sherk, Township Engineer

Bob Gerhart, Matthew & Hockley

Six (6) Residents

PUBLIC COMMENTS

Verl Hostetter, Jr., owner of the property located at 2650 State Route 72 said he and Mr. Kreager, who is installing guardrails for his company on I-81 for Penn Dot, are attending the meeting asking for permission to use his property for temporary storage for the guardrails and equipment for Penn Dot's guardrail project.

Atty. Bametzreider commented that this type of storage is not listed specifically as a permitted use in any zoning district and mentioned that there is a self-storage facility on the neighboring property, but this use is somewhat of a gray area as it relates to the Zoning Ordinance.

Mr. Kreager said he's been doing these types of projects for thirty-five years and never had to obtain a permit for a construction site and pointed out that it's not storage but is materials that will be going out on the highway. He said that this is a Penn Dot job, and they will be installing guardrails on Interstate 81 from mile marker 100 all the way down to the Maryland state line and are using several properties along I-81 for their equipment as they exhaust their materials to move along down the highway. Mr. Kreager pointed out that 99.99% of the time the properties that they use are greatly improved when the site is no longer being used and everyone benefits and there is no money exchanged between their company and the landlord.

Atty. Bametzreider said the Ordinance does not address this use, so a judgement call is required in this situation as to whether or not this is suitable for the Commercial District, pointing out that it wouldn't be suitable in a residential zoning district, but this property is in a Commercial Zone right along the highway, and the use would not be hurting anyone. Atty. Bametzreider stated that he is of the opinion that in this particular instance using this property for the I-81 guardrail project should be permitted and the Board agreed.

Mr. Kreager said they would be willing to make a donation such as stone to the Department of Public Works (DPW) to be good neighbors in the Community, but Atty. Bametzreider said the Township cannot accept any donation. He added that if they want to

make a donation they can, but Mr. Kreager has to understand that the Township is not allowing them to use the property because of any donation they may make.

APPROVE BOS MEETING MINUTES FROM THE DECEMBER 9, 2020 MEETING

Gary Longenecker made a motion seconded by Kerry McCrary to approve the December 9, 2020 the Board of Supervisors meeting minutes. All approved

APPROVE ORGANIZATION MEETING MINUTES

Kerry McCrary made a motion seconded by Gary Longenecker to approve the January 4, 2021 Organization Meeting Minutes. All approved.

FINANCIAL REPORT -

Kerry McCrary made a motion seconded by Dennis Firestone 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)

LIFE LION AMBULANCE SERVICES

Monthly report is available with handouts (only when provided by Life Lion)

PLANNING COMMISSION – LIZ KRAUSE

1. The Planning Commission organized for 2021 and kept the same officers:
Chairman – David Yavoich
Vice Chairman – Karl Hinkle
Secretary – Dave Matterness
2. Home 2 Suites Land Development Plan
No new information was received, and the plan was tabled until the February meeting.
3. Dane DiAngelis Subdivision Plan
The Planning Commission took the following action on the Dane DiAngelis Subdivision Plan:
 - a. Recommend the Board approved the Request for Planning Waiver & Non-Building Declaration
 - b. Recommend the Board approve the Plan
Dennis Firestone made a motion seconded by Gary Longenecker to approve both the Dane DiAngelis DEP Request for Planning Waiver & Non-Building Declaration and also the Dane DiAngelis Subdivision Plan. All approved.

4. Miller Bed & Breakfast Subdivision & Land Development Plan

The Planning Commission reviewed this plan which depicts a proposed bed & breakfast and a wedding venue with possible other allowable uses which would be considered accessory to the bed and breakfast. The property owners will be filing a Petition to the Zoning Hearing Board since the bed and breakfast requires a special exception and it was determined that the accessory use of a building to the bed and breakfast should be included in the Petition to the Zoning Hearing Board.

The property owners attended the Planning Commission meeting and explained that they had no plans to develop the other two lots that will be created by the subdivision but plan to use the land as an area for their horses to roam when they're not in the proposed (non-commercial) stable that is also shown on the plan. No action was taken, and the plan was tabled until the February meeting.

5. Eric Newswanger Poultry Operation Revised Land Development Plan

The Planning Commission reviewed the revised plan which now proposes the construction of four (4) poultry barns instead of the six that were shown on the previously recorded plan.

- a. The Planning Commission recommends the Board accept the 180-day time extension since a new NPDES permit is required by DEP which could take several months to issue. (The first 90-day review period would expire April 5, so the 180-day extension would begin after that)
No other action was taken, and the plan was tabled.

Gary Longenecker made a motion seconded by Kerry McCrary to accept the 180-day extension for the Eric Newswanger Poultry Operation Revised Land Development Plan. All approved.

ZONING OFFICER REPORT – LIZ KRAUSE

- Liz Krause reported that three (3) permits were issued totaling \$543.00 and \$3,725.15 was received in Reimbursement of Fees.
- There is a “for sale” sign on the John & Linda Light property on Yingst Drive. Otherwise, there is no change on the property. Atty. Bametzreider noted that the property is under a Court Order to get cleaned up by April 30th and anyone who purchases the property will also be responsible to clean it up by April 30th and Mr. Light should inform anyone interested in purchasing the property of that obligation.
- Last month the mobile home at 15 Campmeeting Road was destroyed by fire. The framing of the mobile home and burned contents remain on the property along with all the tires, two campers and other miscellaneous items scattered throughout the property. Atty. Bametzreider added that the property will be listed for Sheriff Sale in June and the Township has the first lien against that property and will be able to remove the tires and sell the property in order to pay for the cost of removing the

tires and any money received above and beyond the costs involved with cleaning up the property can be put in the Township's General Fund.

- As reported last month, all but two unlicensed vehicles have been removed from the property at 97 Moonshine Road. Atty. Bametzreider said he's been in touch with Greer Anderson, the property owner's attorney and he's under the understanding that several vehicles have been removed from the property and was going to ask to have that verified. Krause agreed that several vehicles have been removed from the property with two remaining, but there are two trailers parked in the rear of the property and she's not sure if they are licensed. Atty. Bametzreider said he will ask Atty. Anderson about the trailers in the rear of the property.
- There have been no changes on the Fake property at 47 White Tail Lane.
- It doesn't appear that any additional vehicles have been removed from the property at 239 Awol Road. Atty. Bametzreider said that they were working with Mr. Gipe's Attorney, Bret Wiest who was supposedly trying to get titles for the vehicles that are on the property so he could have them removed but they have not gotten this accomplished nor have they returned his calls. Atty. Bametzreider said he recommends the Township commence action with the Court since Enforcement Notices were previously sent to the property owner. The Board agreed that this matter should go to the next level.
- Enforcement Notices were sent to the owner of 152 Silvertown Road regarding several unlicensed vehicles and other miscellaneous items scattered throughout the property. The Enforcement Notices stated that the property must be brought into compliance by January 2nd. I was recently contacted by the property owner who showed that he removed one unlicensed vehicle from the property and is waiting for a buyer to remove another vehicle. The owner indicated that he would attend the meeting to ask for more time to clean up the property and remove some additional vehicles to bring the property into compliance. Krause noted that the property owner called her that morning and said he was called to go to Philadelphia to work and was not able to attend the meeting but sent a letter/email asking for more time (two months) to bring his property into compliance. Atty. Bametzreider noted that since the 30-day appeal period has expired, the owner is officially deemed to be in violation of the Ordinance since he did not bring the property into compliance nor did he appeal to the Zoning Hearing Board after receiving the Zoning Enforcement Notice, so it's at the Board's discretion as to when to start legal action against the property owner. Dennis Firestone made a motion to move forward with legal action. Kerry McCrary said he doesn't have a problem with giving the property owner more time if he's made some progress at cleaning up the property and Gary Longenecker said he agrees, so the motion failed from lack of a second. After a lengthy discussion regarding the property, Kerry McCrary made a motion seconded by Gary Longenecker to withhold conveying legal action for 60 days regarding the violations on the property at 152 Silvertown Road. Dennis Firestone voted No. Motion carried.

- A certified letter was sent to the property owners of 50 Hill Drive regarding several unlicensed vehicles and other miscellaneous items scattered throughout the property. If the property is not brought into compliance by January 22nd, I will send official Enforcement Notices to the property owners.

ROAD FOREMAN REPORT – BRYAN MICHAEL

Bryan Michael reported that today the road crew picked up Christmas trees, measured pipes to get replaced, hauled in anti-skid and had salt hauled in. Kerry McCrary asked about the pipes that need replaced and a discussion was held about the work that would be done on the different roads.

JASON PROPST REGARDING ORDINANCE REQUIRING 500' SETBACK FOR POULTRY BUILDINGS

Jason Propst explained to the Board that he would like to subdivide his property, but the current regulations require a 500' setback for the poultry buildings from any residential property. Attorney Bametzreider said that there needs to be a text amendment to the Zoning Ordinance because a few years ago a special exception was required for intensive animal husbandry but based upon changes that occurred in the law, the 500' setback requirement was removed, and now, as long as they have the appropriate Nutrient Management Plan and whatever else is required by the Dept. of Agriculture, it is a permitted use. There is a 500' setback requirement for poultry buildings still in place from the old Ordinance that should be removed.

Steve Sherk, Township Engineer said the way the Ordinance was intended to be written is that the Township doesn't supersede what the state law is as far as setbacks and there was a remnant that was left over in the Ordinance that should be removed and if the Township does the text amendment, Mr. Propst can do the subdivision. Atty. Bametzreider advised Mr. Propst to work on his subdivision and the Township will work on the text amendment to eliminate the 500' setback requirement for poultry buildings.

ENGINEERS REPORT – SCOTT RIGHTS FOR STEVE SHERK, TOWNSHIP ENGINEER

1. Ridge Road Culvert Replacement. We are still awaiting DEP's review and approval of the GP-11 application. The application was submitted on October 28, 2020. We will prepare bid documents after the GP-11 application is approved.
2. Sand Siding Road (Dirt, Gravel and Low Volume Road (DGLVR) Grant. The Lebanon County Conservation District Board has approved the Dirt, Gravel and Low Volume Road (DGLVR) grant application in the amount of \$175,000. The grant will fund the materials, equipment and labor needed to construct a new culvert and raise the road's profile. The grant also includes the replacement of three smaller culverts crossing the roadway. We submitted a GP-11 application to DEP to authorize installation of a 15'-0" span x 4'-8" rise aluminum structural plate (ASP) arch culvert with open bottom bearing on concrete strip footers. There are wetlands within the project limits so USFWS clearance is required to clear potential bog turtle impacts. We screened the project site and confirmed that bog turtle habitat does not exist and submitted documentation of this screening to USFWS on October 29, 2020.

We received DEP's initial review letter for the GP-11 application. DEP's only comment is that USFWS clearance of the potential bog turtle impact is required before the application can be processed. We will forward USFWS's response to DEP upon receipt.

We recently submitted an "Application for Right-of-Way" to the PA Department of Conservation and Natural Resources for both temporary and permanent construction that will occur beyond the Township's right-of-way within Swatara State Park. Although we prepared a vegetative restoration plan, which includes tree replacement, DCNR's standard R-O-W License Agreement requires that the Licensee to pay to the Department a sum of money representing the value of the trees or forest growth that it plans to remove, cut, damage, or destroy during construction, prior to beginning construction activities. The Department will determine the value of the trees or forest growth for which payment by the Licensee to the Department is required. Since construction of this project will likely benefit the State Park and its users more than Union Township and its citizens, we will request that DCNR waive any fees associated with the removal. However, we cannot guarantee DCNR will waive the fees.

We received the Geotechnical Engineer's investigative report to confirm allowable bearing capacity for the concrete footer design. We plan to wait to see how DCNR reacts to the R-O-W application and Restoration Plan before we submit the Geotech Report to Lane Enterprises to start on the footer design.

3. SWM Plan for 2 Colonial Drive. A pre-construction meeting was conducted last month. On several occasions, the builder and paving subcontractor were made aware of the Township's concerns about the street restoration in front of this lot given the newness of the pavement overlay. We provided a copy of the Township's Street Occupancy Ordinance, which includes specifications for temporary and permanent pavement restoration. We will observe all trench excavation, backfilling and restoration activities to ensure the Township's specifications are properly followed.

Jim Darkes informed the Board that the NLCA must make an emergency repair and will have to open cut the right shoulder of Colonial Drive just past Harbor Lane because they have a broken sewer main.

SOLITOR'S REPORT – PAUL BAMETZREIDER

LABOR & INDUSTRY NEW BIDDING LIMITS

Atty. Bametzreider said Labor & Industry has announced new bidding limits as far as when you need to solicit telephonic bids, they've upped the minimum to \$11,500.00 and as far when you need to advertise, they've upped the minimum amount to \$21,300.00.

RESOLUTION #1-2021 – APPOINT CPA TO CONDUCT AN AUDIT FOR THE TOWNSHIP (GARCIA, GARMAN AND SHEA, PC)

Atty. Bametzreider said this Resolution was duly noticed and asked the Board if they wanted to appoint an auditor to do the audit. Dennis Firestone made a motion seconded by Gary Longenecker to adopt Resolution # 1-2021 to appoint Garcia, Garman and Shea to do the 2020 Audit for the Township. All approved.

Kerry McCrary asked Atty. Bametzreider if the Township should update the current Zoning Ordinance if someone wants to have temporary storage on a property such as the Penn Dot project that was discussed earlier in the meeting. Atty. Bametzreider said the Township

could look at adding a temporary storage use in the Commercial and Industrial Zoning District by stating that a property can be utilized for temporary storage as long as they comply with any setbacks for temporary storage for a maximum period of six months or less, and if it would be longer, they would have to get a permit from the Township. The Board agreed that they should follow through adding that to the Ordinance and Atty. Bametzreider said they can do that at the same time as they do the text amendment eliminating the 500' setback requirement for the poultry barns.

Liz Krause said that at the January Planning Commission meeting, Eric Newswanger commented that they had already constructed two poultry barns on the property, and after checking her records it was discovered that no permits were obtained for those structures. Steve Sherk, Township Engineer said that at the Preconstruction Meeting they were told the project was on hold because of issues with Bell & Evans and he was also not aware that the two barns were constructed until the revised land development plan was submitted which showed the "existing" poultry barns on the property and had it verified by one of his associates with his office.

Atty. Bametzreider said that a Cease-and-Desist letter should be sent to Mr. Newswanger stating that he must obtain a permit for the poultry barns and make sure they are brought into compliance because the Township must defend the integrity of the Ordinance and could issue a fine. Atty. Bametzreider said he will work with the Zoning Officer to get the letter done.

NEW BUSINESS

MOTION TO PAY THE LEBANON COUNTY HUMANE SOCIETY

Brent McFeaters explained that thirteen (13) animals were delivered to the shelter in 2020 and the shelter will charge a \$50.00 fee per animal delivered to the shelter in 2021. Kerry McCrary made a motion seconded by Gary Longenecker to pay the Lebanon county Humane Society \$650.00 for the 13 animal they received from Union Township residents in 2020. All approved.

MOTION TO APPOINT JAMES SHOTZBERGER TO THE TCC COMMITTEE

Brent McFeaters explained that Mr. Shotzberger will represent Union Township, along with Swatara Township, East Hanover Township, Bethel Township and Jonestown Borough for a one-year term. Kerry McCrary made a motion seconded by Dennis Firestone to appoint James Shotzberger to the TCC Committee. All approved.

MOTION TO ACCEPT MR. SHIRK'S RESIGNATION AS THE ALTERNATE TO THE TCC COMMITTEE

Dennis Firestone made a motion seconded by Gary Longenecker to accept Mr. Shirk's resignation as the alternate to the TCC Committee. All approved. Brent McFeaters said that they are searching for an alternate to replace Mr. Shirk and if anyone is interested, they should contact Jennifer at Swatara Township at 717-865-4803.

MOTION TO APPROVE THE PURCHASE OF FOUR (4) NEW SECURITY CAMERAS FOR THE RECYCLING CENTER

Brent McFeaters said he received a quote from Smrtguys in the amount of \$2,187.00 for the four cameras. Dennis Firestone made a motion seconded by Gary Longenecker to authorize the purchase of the four cameras for the Recycling Center in the amount of \$2,187.00. All approved.

MOTION TO APPROVE THE PURCHASE OF NEW TIRES/MOUNTING FOR THE CASE BACKHOE

Brent McFeaters said he received a quote of \$3,375.90 from Harnish Farms Service, LLC for the Case Backhoe Tires. Kerry McCrary made a motion seconded by Gary Longenecker to authorize the purchase of the tires for the Case Backhoe in the amount of \$3,375.90. All approved.

MOTION TO APPROVE THE PURCHASE OF A 3-FOOT BUCKET WITH THE WAIN ROY ATTACHEMENT FOR THE CASE BACKHOE

Brent McFeaters explained that he received a quote of \$1,185.00 for this attachment from Cleveland Brothers which will cut down on the time involved in digging large culverts. Kerry McCrary made a motion seconded by Gary Longenecker to authorize the purchase of the Wain Roy attachment for the Case Backhoe in the amount of \$1,185.00. All approved.

MOTION TO APPROVE A POST POUNDER FROM SKILDRIL INDUSTRIES, LLC

Brent McFeaters said a year ago they bought a post pounder for \$700 which they sent back and since then they have been using Swatara Township's which also has a 4" shaft and works with hydraulics. He added that he received a quote of \$3,300.00 from Skildril Industries, LLC for the purchase of post pounder with a 4" shaft. Dennis Firestone made a motion seconded by Gary Longenecker to authorize the purchase of the post pounder in the amount of \$3,300.00 from Skildril Industries, LLC. All approved.

OLD BUSINESS

None

TRAFFIC & PARKING COMMISSION

Dennis Firestone announced that the Commission will meet this evening immediately following the Board of Supervisors meeting.

OTHER COMMENTS

Jim Darkes said he thinks the Harris Computer System invoice should be paid out of the Sewer Fund instead of the General Fund because it is a sewer expense. Brent McFeaters said he paid it out of the General Fund because Harris had to install the new software when the Township switched to a new server. Atty. Bametzreider said for accounting purposes it

should come out of the appropriate account and Brent said he will check with the auditors to see what they determine.

BILLS PAYABLE

Dennis Firestone made a motion seconded by Kerry McCrary to pay the bills in the amount of \$73,930.42 from the General, Recycling, Liquid Fuels Street-Light, & Payroll Funds. All approved.

Kerry McCrary asked about the status of the Recycling Center and Brent said he talked to the Fence guy who said he will get the gate in within the next few weeks and the newly gated center should be up and running by April 1st.

Helen Light commented that the sign in the front of the building needs changed.

DATE OF NEXT PLANNING COMMISSION MEETING

Wednesday, February 3, 2021- 7:00 PM

DATE OF NEXT LICKDALE TREATMENT PLANT MEETING

Wednesday, February 10, 2021 - 6:30 PM

DATE OF NEXT BOARD OF SUPERVISORS MEETINGS

Wednesday, February 10, 2021 - immediately following the Lickdale Sewer Meeting

ADJOURNMENT

With no further business or comments, the meeting was adjourned at 7:57 p.m.

Respectfully submitted,

Elizabeth Krause
Recording Secretary