

February 10, 2021  
Lickdale, PA

The Union Township Board of Supervisors met in regular session on Wednesday February 10, 2021. The meeting was held at the Municipal Building, 3111 SR 72, Jonestown, PA.

Dennis Firestone called the meeting to order at 6:44 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 (absent)

Paul Bametzreider, Township Solicitor & Atty. Andrew Race

Steve Sherk, Township Engineer

Six (6) Residents

#### PUBLIC COMMENTS

Roy Alley of 7 Lenope Lane said he was attending the meeting to make the Board aware that the improvements that the Township made are not working to alleviate the water issue on his property. The Board discussed that the Township plan on making additional improvements to the existing trench along the side of Ft. Swatara Road in the near future.

Eric Newswanger of 107 Awol Road said he received a letter regarding the construction of two poultry buildings without obtaining a permit and apologized to the Board because he didn't realize that he did not have everything he needed after doing his land development plan and wants to bring his project into compliance.

Paul Bametzreider Township Solicitor said Farmer Boy Ag, the contractor who constructed the buildings should have known a permit was required and Mr. Newswanger said he had no malicious intent, and the matter was overlooked on his part.

Atty. Bametzreider said that Mr. Newswanger did violate the Zoning Ordinance because he did not obtain a permit before constructing the poultry barns and under the Zoning Ordinance, the Board can impose a fine up to \$500.00.

After a discussion regarding upholding the Zoning Ordinance, Dennis Firestone made a motion seconded by Gary Longenecker to levy a fine on Eric Newswanger in the amount of \$500.00 for failure of obtaining a permit prior to the construction of two poultry barns on his property. All approved.

#### APPROVE BOS MEETING MINUTES FROM THE JANUARY 13, 2021 MEETING

Kerry McCrary made a motion seconded by Gary Longenecker to approve the January 13, 2021 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)

**LIFE LION AMBULANCE SERVICES**

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

**PLANNING COMMISSION – LIZ KRAUSE**

1. Home 2 Suites Land Development Plan

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

2. Miller Bed & Breakfast Subdivision & Land Development Plan

The Planning Commission reviewed the revised plan submittal and recommended the Board accept the 90-day time extension per Chrisland Engineering letter dated 2/1/21. Dennis Firestone made a motion seconded by Kerry McCrary to accept the 90-day time extension for the Miller Bed & Breakfast Land Development Plan. All approved.

They also reviewed the Petition to the Zoning Hearing Board for the Special Exception for the Bed & Breakfast and the multipurpose gathering building and made the following recommendations to the Zoning Hearing Board.

1. All parking should be restricted to the land with the bed & breakfast
2. No parking within 30' of State Route 72
3. The driveway entrance must be used to access the property
4. Temporary lighting must be shielded from adjoining properties
5. Any outdoor activities must cease by 11:00 p.m.
6. Must show that they can provide one parking space per two guests
7. A suitable number of portable restrooms must be brought in for events held in the multi-purpose gathering building.

No other action was taken by the Planning Commission and the plan was tabled until the March meeting.

Kerry McCrary questioned the recommendation by the Planning Commission regarding temporary lighting and Steve Sherk said the temporary lighting could be used where there is generally no lighting such as for parking in the field if there were events in the multipurpose building, but that the bed and breakfast would have permanent lighting that would have to comply with the lighting standards in the Ordinance.

3. Eric Newswanger Poultry Operation Revised Land Development Plan

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

#### ZONING OFFICER REPORT – LIZ KRAUSE

Liz Krause, Zoning Officer reported that 7 permits were issued totaling \$1,611.00, \$618.00 was received in Reimbursement of Fees and \$1,200.00 was received in Zoning Hearing Board Fees.

Zoning Hearing Board Case #21-01 & Case #21-02 will be held on Monday February 22<sup>nd</sup> starting at 7:00 p.m.:

##### Case # 21-01

Dale Miller has filed a Petition to the Zoning Hearing Board for a special exception for the Miller Bed & Breakfast Subdivision & Land Development Plan for their 14-acre tract on the east side of State Route 72, approximately 1,000 feet north of Bohn's Lane & Monroe Valley Drive. (The parcel is across from the former Woods Creek Restaurant and is zoned Agricultural.) The Petition was filed because Bed & Breakfasts are listed as a permitted use by Special Exception in the Agricultural Zoning District. Since the multipurpose gathering building is considered as an accessory use to the Bed & Breakfast it has been included in the Petition to the Zoning Hearing Board.

##### Case # 21-02

Christopher Boehler, owner of 30 Hill Drive Petitioned the Zoning Hearing Board for side setback variances to construct an 8' x 16' addition to the rear end of his mobile home and to construct a 5' porch that would run the full 66' of the existing mobile home. The property is zoned Agricultural and the existing mobile home is considered non-conforming because of the side setback requirements.

- There are no changes on the John & Linda Light property on Yingst Drive.
- There are no changes on the property at 15 Campmeeting Road.
- As reported last month, all but two unlicensed vehicles have been removed from the property at 97 Moonshine Road but there were two trailers in the rear of the property that were questionable as far as license/registrations. Attorney Race said he will verify that the two trailers in the rear of the property are licensed.
- The property is snow covered but it appears that some construction materials were removed from the driveway at 47 Whitetail Lane
- It doesn't appear that any vehicles have been removed from 239 Awol Road. Atty. Andrew Race said that Mr. Gipe has ceased communicating with his attorney, Bret Weist, and they have filed suit in the Court of Common Pleas on behalf of Union Township and are waiting for the Sheriff to serve.

- Due to the snow, it is difficult to determine if progress was made on the cleanup of 152 Silvertown Road. Krause added that the Board agreed to hold off 60 days before pursuing legal action and the owner has sold one of the trucks on the property which will be gone in two weeks, and the antique vehicle that is on the property will be licensed or sold.
- Enforcement Notices were sent to the property owner of 50 Hill Drive regarding several unlicensed vehicles and other miscellaneous items scattered throughout the property. The property owner must file an appeal to the Zoning Hearing Board or bring the property into compliance by February 26. The owner indicated that he would attend the meeting to ask for more time to complete the clean-up of the property which has commenced upon receipt of my original letter. Jorge Diaz and Yolanda Perez Maymi attended the meeting and requested more time to bring the property into compliance. Atty. Bametzreider explained that if the property owner doesn't file an appeal to the Zoning Hearing Board by February 26<sup>th</sup>, they are then considered in violation of the Ordinance and have no rights of appeal and they must make sure they bring the property into compliance. Dennis Firestone made a motion seconded by Kerry McCrary to give the property owner an additional 30 days to bring the property into compliance before commencing any further legal action. All approved.
- A certified letter was sent to the property owner of 663 Jonestown Road regarding unlicensed vehicles and vehicle parts in the front of the garage, but the property has since been brought into compliance.
- A certified letter was sent to the owner of 107 Awol Road regarding the construction of poultry buildings and a poultry operation prior to obtaining the required permit from the Township. The owner has filed the permit application and was asked to attend tonight's meeting. Liz Krause noted that this matter was covered earlier in the meeting under Public Comments

#### ROAD FOREMAN REPORT – BRENT MCFEATERS FOR BRYAN MICHAEL

Brent McFeaters, Township Manager said the Road Crew has spent a lot of their time plowing snow.

#### ENGINEERS REPORT – 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. The application is approaching DEP's 86-business day permit decision guarantee deadline, so I expect to hear something soon. 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. Last month we 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. 2021 Paving and Oil & Chip Contracts. We prepared draft bid documents for the Township's 2021 Paving and Oil & Chip Contracts. The projects will be advertised upon the Township's approval. The bids are tentatively scheduled to be opened on March 9<sup>th</sup>. The paving contract includes a wearing course overlay and line painting along Bohn's Lane and the placement of a 25mm base course (6" depth) for the first 75 feet of Cavalry Road at its eastern intersection with Bordnersville Road. The roads scheduled for a single bituminous chip seal include sections of Tomstown Road and Fort Swatara Road. A double bituminous chip seal will be applied to sections of Calvary Road where subbase repairs were made last year.

Kerry McCrary said that there is a soft spot on Neuins Lane that needs taken care of because it will soon turn into a hole. Brent McFeaters, Township Manager said they will take a look at it.

#### SOLITOR'S REPORT – PAUL BAMETZREIDER

Atty. Bametzreider said the Court approved the Stipulation regarding the John & Linda Light property on Yingst Drive stating that the property has to be cleaned up and brought into compliance by April 30<sup>th</sup> or the Board can have it cleaned up and put a lien in place.

Atty. Bametzreider said they are in the process on levying on the tires to get them removed from 15 Campmeeting Road, to get the property cleaned up, lien the property and sell it to get the Township's money back.

#### NEW BUSINESS

#### MOTION TO PAY THE NORTHERN LEBANON FIRE & EMERGENCY SERVICES (NLFES) \$23,611.45

Dennis Firestone explained that the NLFES purchased a new engine in 2020 and the Township's portion of the payment for that engine is \$23,611.45 and it's based on per capita.

Dennis Firestone made a motion seconded by Kerry McCrary to authorize the payment of \$23,611.45 to the NLFES for the Township's portion of the payment for the recently purchased engine. All approved.

#### MOTION TO APPROVE THE PURCHASE OF A HONDA 3" TRASH PUMP FROM BESTLINE IN THE AMOUNT OF \$1,800.94.

Brent McFeaters explained that he received a quote in the amount of \$1,800.94 from Bestline for the purchase of a Honda 3" trash pump along with discharge and hoses. Dennis Firestone made a motion seconded by Gary Longenecker to authorize the purchase of the Honda 3" trash pump and discharge hoses in the amount of \$1,800.94 from Bestline. All approved.

#### MOTION TO APPROVE PURCHASE OF FOUR TIRES FOR THE FREIGHTLINER DUMP TRUCK

Brent McFeaters said he received a quote of \$1,575.92 from Henise Tire Service for four tires for the Freightliner dump truck. Gary Longenecker made a motion seconded by Kerry McCrary to purchase four tires in the amount of \$1,575.92 from Henise Tire Service. All approved.

#### SNOW PLOWING ISSUES

Brent McFeaters explained that when the road crew is plowing snow, unlicensed vehicles driving on the roadways are becoming a real problem for the road crew. He said there have been a lot of four-wheelers driving through King's Plantation and said he called the Home-Owners' Association and was told that the people on those vehicles are not from the area. Atty. Bametzreider said these types of issues are practically impossible to enforce. and suggested getting photos of the people on the four-wheelers, but many times when the police are called, the violators are already gone. A discussion was held regarding the road crew's responsibility when plowing the road, and Atty. Bametzreider said it is their job to clear a path so traffic can pass but the property owner is legally responsibly to shovel the area around mailboxes and fire hydrants.

#### BILLS PAYABLE

Dennis Firestone made a motion seconded by Gary Longenecker to pay the bills in the amount of \$101,657.53 from the General, Recycling, Liquid Fuels Street-Light, &

Union Township BOS Minutes  
February 10, 2021  
Page 7  
Payroll Funds. All approved.

DATE OF NEXT PLANNING COMMISSION MEETING  
Wednesday, March 3, 2021- 7:00 PM

DATE OF NEXT LICKDALE TREATMENT PLANT MEETING  
Wednesday, March 10, 2021 - 6:30 PM

DATE OF NEXT BOARD OF SUPERVISORS MEETINGS  
Wednesday, March 10, 2021 - immediately following the Lickdale Sewer  
Meeting

ADJOURNMENT  
With no further business or comments, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Elizabeth Krause  
Recording Secretary