

June 9, 2021
Lickdale, PA

The Union Township Board of Supervisors met in regular session on Wednesday June 9, 2021. The meeting was held at the Municipal Building, 3111 SR 72, Jonestown, PA.

Dennis Firestone called the meeting to order at 6:43PM.

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

Seven (7) Residents

PUBLIC COMMENTS

Tammy Borger of 26 Plymouth Drive explained to the Board that due to water and drainage issues after recent roadwork she would like to widen her existing 22-foot driveway ten more feet but needs a waiver from the Board to do so. Mrs. Borger said that water runs off Colonial Drive from the neighbor's property and accumulates in her driveway and there is corner of grass which is always wet and causes them to lose a whole parking spot on her property. Steve Sherk, Township Engineer said he doesn't see the driveway extension being an issue, but Dennis Firestone expressed concern about it becoming a safety issue and said he doesn't recall granting any previous waivers for widening a driveway. Steve Sherk commented that these situations are addressed case by case, and a lot of time people will park on the grass and then you end up with lots of mud. Atty. Bametzreider noted that the Board should mitigate the circumstances and could grant the waiver if they chose to do so. After a lengthy discussion, Kerry McCrary made a motion seconded by Gary Longenecker to approve the waiver for the ten-foot extension to the driveway at 26 Plymouth Drive. Dennis Firestone noted that he had reservations but all approved and the motion was carried.

APPROVE BOS MEETING MINUTES FROM THE MAY 12, 2021, MEETING

Gary Longenecker made a motion seconded by Kerry McCrary to approve the May 12, 2021, Board of Supervisors meeting minutes. All approved.

FINANCIAL REPORT -

Kerry McCrary made a motion seconded by Gary Longenecker to approve the Financial Report. All approved.

FORT INDIANTOWN GAP – DAVID WEISNIGHT

Mr. Weisnicht did not attend the meeting

STATE POLICE – MONTHLY REPORT

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

Liz Krause said there was no Planning Commission Meeting

ZONING OFFICER REPORT – LIZ KRAUSE

Liz Krause, Zoning Officer reported that eight (8) permits were issued totaling \$2,272.00 and \$4,611.85 was received in Reimbursement of Fees

Case 21-05

As reported last month, Jason Propst has filed a Petition to the Zoning Hearing Board for a variance to the Lot Width requirements for Lot 3 on his proposed subdivision on his property located at 288 Ft. Swatara Road. The Hearing will be held on Monday, June 28, 2021, at 7:00 p.m.

- Since last month's meeting, one additional trailer has been removed from the John and Linda Light Property. There is one trailer remaining and as reported last month, the foundation is still only partially covered and there are still a few piles of scrap and other junk lying around on the property. Atty. Bametzreider said they have filed a Notice of Municipal Claim against the property for fees that have been incurred, and since the property has not been brought into compliance, they will file for an action for contempt for failure to abide by the Stipulation that was approved by the Court.
- There are no changes on the property at 15 Campmeeting Road. We were informed that the woman who was living in the one camper has "moved out", but someone driving a pick-up truck was seen hauling appliances onto the property. Brent McFeaters, Township Manager said he is coordinating the equipment rental with Plaster Equipment and is working on getting the numbers together and the date for the cleanup to take place, but he anticipates they will be able to get the property cleaned up sometime in July. Atty. Bametzreider said the Sheriff levied on the tires and other junk on the property and the Township will be able to get a municipal claim for the expenses the Township incurs for cleaning up the property. A lengthy discussion was held regarding the expenses that will be incurred for cleaning up the property and the actions that will be taken by the Township afterwards.

As reported previously, all but two unlicensed vehicles have been removed from the property at 97 Moonshine Road but there are two trailers in the rear of the property that are questionable as far as license/registrations. If the trailers are licensed, the property has been brought into compliance. At last month's meeting the Board agreed that the property owner should be required to produce the registrations for the trailers otherwise the matter should be moved to the District Justice level. Atty. Bametzreider said they sent a ten-day notice for the property owner to produce the registrations of the trailers, and if they do not respond in ten days, the Township will take default judgment and will then have the leverage to move the trailers off the property.

- There was a little clean up done in the driveway at 47 White Tail Lane, but no other changes were noted. Atty. Bametzreider said a notice was sent to 47 White Tail Lane.
- As noted in a drive-by of the property yesterday, it appears that two vehicles have been removed from the front of the property at 239 Awol Road, but the property is still out of compliance. Atty. Bametzreider said Mr. Gipe called him yesterday and said he was getting another Attorney. Atty. Race said the ten-day notice had already been sent out, and then Mr. Gipe hired another attorney who contacted Atty. Bametzreider's office, and they were given an additional ten days. Atty. Race said Mr. Gipe has failed to file the proper response so they will be filing a default judgment and the Township is entitled to judgment automatically. Atty. Bametzreider added that by filing the default judgement against the property they will get the Court to order him to clean up the property or Mr. Gipe will be in Contempt.

ROAD FOREMAN REPORT – BRYAN MICHAEL

Bryan Michael said the Road Crew has been mowing grass and are currently working on Neuins Lane, but the backhoe stopped running and it's been determined that the DCM broke, but they will have a replacement DCM tomorrow.

ENGINEERS REPORT – STEVE SHERK, TOWNSHIP ENGINEER

1. Ridge Road Culvert Replacement. No new updates. As reported last month, we received DEP's review of the GP-11 application. Unlike previous projects, DEP is enforcing Title 25, Chapter 105.161(c) of the PA Code which requires the culvert to pass the 25-year design flow without a loss of stability. For previous projects permitted under the GP-11, DEP Southcentral did not strictly enforce this regulation provided the flow capacity was increased compared to the existing culvert being replaced. For this project, we are proposing to increase the culvert's flow capacity by 42% and reduce the roadway overtopping height by about 2 ½ inches. Unfortunately, this does not satisfy the DEP reviewer. Therefore, we are currently evaluating other culvert sizes to determine if we are able to pass the 25-year flow without having to raise the road's profile and significantly

increase estimated construction costs. We plan to resubmit the GP-11 application by this Friday, June 11th.

2. Sand Siding Road (Dirt, Gravel and Low Volume Road (DGLVR) Grant. Bids were received today, June 9, 2021. See my letter with a summary of bid results and our recommendation.

BID RESULTS – SAND SIDING ROAD CULVERT REPLACEMENT

| COMPANY | LUMP SUM BID | ALLOWANCE NO. 1 |
|------------------------------------|--------------|-------------------------|
| Custer Excavating Inc. | \$165,000.00 | \$2,200.00, \$200.00/CY |
| Farhat Excavating, Inc. | \$174,000.00 | \$5,500.00, \$500.00/CY |
| Kinsley Construction Sitework | \$211,900.00 | \$1,925.00, \$175.00/CY |
| DESCCO Design & Construction, Inc. | \$218,255.81 | \$8,008.00, \$728.00/CY |
| Construction Masters Services, LLC | \$238,575.00 | \$4,785.00, \$435.00/CY |

As recommended in Steve Sherk’s letter dated June 9, 2021, Dennis Firestone made a motion seconded by Kerry McCrary to potentially award the Construction Contract to Custer Excavating in the amount of \$165,000.00 (price includes a \$2,200 or \$200/C.Y. allowance for excavation of overburden soils and to reestablish footer bearing elevation with PennDot Class C lean concrete) conditional upon receipt of a performance bond, payment bond, certificate of liability insurance, and fully executed Agreement between Owner and Contractor. All approved. Steve’s letter also noted that Lane Enterprises previously quoted a price of \$31,363.20 via the COSTARS State Cooperative Purchase Program for the Aluminum Plate Arch Culvert, wingwalls, headwalls and related assembly hardware. After a brief discussion, Dennis Firestone made a motion seconded by Gary Longenecker to approve the Lane Enterprises Purchase Agreement in the amount of \$31,363.20. All approved.

3. 2021 Paving and Oil & Chip Contracts. The Township’s highway department is currently working to remove the existing pavement surface on Neuins Lane. E.K. Services is scheduled to pave on Neuins Lane and Cavalry Road starting next week. Steve noted that E. K. Services have been delayed until the week of June 21st which is within their contract. We reached out to Russell-Standard and are waiting for an update on their anticipated work schedule for the oil & chip work. Steve added that Russel Standard said they will also do the oil and chip work the week of June 21st. All work is required to be completed by June 30th for both contracts.
4. Damage to Bordnersville Road. At the end of April, Brent reported damage along the northern edge of Bordnersville Road just west of the I-81 underpass. Prior to dedication of the recent road improvements, the Township required First Industrial Realty Trust, Inc. to provide an 18-month maintenance bond on the modified portions of Bordnersville Road commencing on May 13, 2020, and ending on November 13, 2021. The roadway widening was included on the list of dedicated/bonded improvements. Therefore, the failed section of road opposite the entrance to Cavalry Road is covered by the maintenance bond. According to Jim Knopka of First Industrial Realty Trust, Inc. the repair work is scheduled to be completed next week by Pennsy Supply. Steve added they he feels that the chicken trucks turning into Calvary could also be causing some of the damage, and the Board might want to consider doing something to widen on the other side of

Bordnersville at that location because they are obviously improving the end of Calvary with the paving contract, but the turning trucks could also be part of the problem.

Kerry McCrary asked about the progress for obtaining signs for no turning onto Bordnersville Road from Fisher Avenue. Brent McFeaters, Township Manager said he is waiting to receive paperwork from Penn Dot who said a permit is required to install the signs.

2 COLONIAL DRIVE REQUESTING A REDUCTION IN THEIR LETTER OF CREDIT

Steve Sherk explained to the Board that the contractor for 2 Colonial Drive has requested the Township release the \$13,401.00 letter of credit associated with the approved plan for the construction of a 2,000 sq. ft. single dwelling, paved driveway, and associated stormwater facilities. Steve noted that after their most recent inspection, there are four remaining items that need to be addressed and recommended the Board release \$12,601.00 of the letter of credit which will leave a balance of \$800.00 as security for the remaining work. Dennis Firestone made a motion seconded by Kerry McCrary to release \$12,601.00 of 2 Colonial Drive's letter of credit leaving a balance of \$800.00 as security for the remaining work to be completed. All approved.

SOLICITOR'S REPORT – PAUL BAMETZREIDER

Attorney Bametzreider said that the Public Hearing for the Zoning Ordinance amendment to eliminate the 500' setback requirement for intensive animal husbandry buildings will be advertised to be adopted at the July meeting.

STIFEL INVESTMENT SERVICE – PFM BONDING/LOAN INFORMATION FOR SEWER PLANT AND TOWNSHIP BUILDING

Atty. Bametzreider introduced Garrett Moore of PFM and said that Mr. Moore is attending the meeting to discuss the possible refunding of the bond and explain the savings the Township could possibly get if they chose to move forward with the refunding of the loan for the sewer plant and Township building. Atty. Bametzreider added that at the end of the presentation, the Board may want to entertain a motion to authorize taking the necessary steps to proceed with the refunding and establish a minimum amount of savings.

Mr. Moore presented the Board with the Refinancing Analysis for the Sewer Treatment Plant and Township Building which shows that in 2016 the Township and its financing team were able to refinance its Series of 2011 Bond issues and save \$210,000.00 in interest payments. Mr. Moore said that interest rates are at historic lows and the Series of 2016 Bonds have a future call date of November 15, 2021, which allows the Township to potentially refinance the Bonds for a second time and could settle the refinancing within 90 days of the call date which would be approximately August 17, 2021.

Mr. Moore noted that since PFM has been monitoring the refinancing, the possible savings have fluctuated between \$75,000.00 and \$125,000.00 of net interest rate savings, noting that the market changes daily. Glenn Rudy of 516 Jonestown Road asked if the Township incurs costs to refinance, and Mr. Moore said the all the expenses are factored into the projected savings shown on the analysis and if the Board does authorize proceeding with the refunding, they are not committed to anything. Jim Darkes of 109 Campmeeting Road asked if bonds must be replaced with bonds. Mr. Moore said that normally banks do not like to offer a fixed rate for twenty years and most municipalities like the fixed rate.

Atty. Bametzreider said that if the Board is interested in refinancing, they have to get the refinancing process started now so they can lock in the rate in July. Mr. Moore added that they always like to tell their clients to look for savings that are meaningful to their individual budget and the rate would get locked in when the Board would adopt a formal ordinance at the July 14th meeting. After a lengthy discussion regarding the potential savings sought by refinancing, Dennis Firestone made a motion seconded by Gary Longenecker to authorize PFM to take the necessary steps to proceed with the refunding of the bond, establishing a minimum savings of \$55,000.00. All approved.

J. D. OLIVER REQUESTING LERTA

Atty. Bametzreider said that J. D. Oliver is asking the Township to consider a LERTA (Local Economic Revitalization Tax Assistance) zone for their property on Old Forge Road where they will be constructing the Freightliner building which would result in a tax savings up front explaining that LERTA is a ladder tax savings where they wouldn't have to pay any real estate tax the first year, the second year, they would pay 10%, the third year 20% up until they get to 100% in the 10th year. He noted that the Township must approve the LERTA first, and the LERTA only pertains to the Township tax; and J. D. Oliver will then have to go to the School District and the County to be relieved of those taxes. After a brief discussion Dennis Firestone made a motion seconded by Kerry McCrary to authorize Atty. Bametzreider to set up the LERTA Hearing on July 14, 2021, at 6:00 p.m. All approved.

NEW BUSINESS

GUIDERAIL REPAIR

Brent McFeaters, Township Manager informed the Board that he made a claim with the insurance company for the guiderail damage done at Quartermaster and Fetzer Road intersection and received a quote of \$4,915.00 from William Orr & Sons, Inc. for the damaged guardrail. He said he received a check from the insurance company, but the Township is responsible for the \$500.00 deductible to make those repairs.

RECYCLING INCIDENTS

Brent McFeaters said that since the beginning of May he has been issuing the recycling cards and he did find that someone was dumping trash into the bins and asked the Board for direction regarding the procedures that should be put into place for violations to the rules and regulations that have been previously adopted by the Board. A lengthy discussion was held regarding the options available for imposing fines and the Board agreed that the violator should be fined \$100.00 for the first offense and their card should be turned off until the fine is paid. Once the fine is paid, the card will be turned back on and will be able to be used to access to the recycling center. The Board also agreed that if the same person violates the recycling rules a second time, their card should be permanently revoked.

Mr. Grubb a Supervisor for East Hanover Township asked if the Board would consider giving out recycling cards to people from other municipalities. Dennis Firestone said he is not in favor of issuing cards to residents of other municipalities at this time since the program is so new. Brent McFeaters said that to date he has issued 370 cards to Township residents, and he has a list of residents from other municipalities who would like to purchase cards if

the Board ever decides to open the center to residents of other townships who would like to purchase a card. Kerry McCrary said he agrees with Mr. Firestone and would like to continue to monitor the current program with just Township residents using the facility before allowing other municipalities' residents to purchase cards. Gary Longenecker added that he would advise Mr. Grubb and other residents to get on the list which will be considered on a first come, first-served basis.

OLD BUSINESS – NONE

OTHER COMMENTS

Kerry McCrary asked Brent McFeaters about payments that were made to C. M. High and noted that the light at the exit ramp of I-81 South is still not working correctly. Mr. McFeaters said he will contact C. M. High about the light.

BILLS PAYABLE

Dennis Firestone made a motion seconded by Gary Longenecker to pay the bills in the amount of \$182,388.10 from the General, Recycling, Liquid Fuels Street-Light, & Payroll Funds. All approved.

DATE OF NEXT PLANNING COMMISSION MEETING

Wednesday, July 7, 2021- 7:00 PM

DATE OF NEXT LICKDALE TREATMENT PLANT MEETING

Wednesday, July 14, 2021 - 6:30 PM

DATE OF NEXT BOARD OF SUPERVISORS MEETINGS

Wednesday, July 14, 2021 - immediately following the Lickdale Sewer Meeting

ADJOURNMENT

With no further business or comments, the meeting was adjourned at 8:23 p.m.

Respectfully submitted,

Elizabeth Krause
Recording Secretary