March 10, 2021
Lickdale, PA

The Union Township Board of Supervisors met in regular session on Wednesday March 10, 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
Paul Bametzreider, Township Solicitor
Steve Sherk, Township Engineer
Six (6) Residents
Justin Doty, PE. Frederick, Seibert & Associates for Freightliner

EXECUTIVE SESSION

Dennis Firestone, Chairman announced that an Executive Session was held on Saturday, February 20, 2021.

PUBLIC COMMENTS

Jordan Waybright of 1549 Suedburg Road said he is a resident of Union Township and a business owner of Off-Road Motor Sports located at 2309 State Route 72. Mr. Waybright said he purchased Off-Road Motor Sports in 2019 and received approval of his land development plan and obtained a permit for a 60' x 80' addition on his existing building but then added a 40' x 80' addition without a permit and has now received a letter from the Township stating that he must stop using the building. He added that he is working with his engineer to submit plans for the addition that was already constructed as well as a proposed new addition and asked the Board for leniency to be allowed to continue to use the unpermitted existing building and will move forward to get all the necessary approvals.

Dennis Firestone asked why a permit was not obtained for the 40' x 80' addition and Mr. Waybright said he needed the extra space in a hurry because he didn't have anywhere to go with his inventory. Kerry McCrary asked if there would have been a problem obtaining a permit for the second addition, and Liz Krause said, her first question would have been, would another addition have been allowed without another land development plan. Krause added that Mr. Waybright's original land development plan was never recorded, although it was approved at the August 2019 BOS meeting and at the same time as the Off-Road Realty Subdivision Plan which was recorded. Steve Sherk said to prevent this type of situation, if a land development plan is required, a policy should be put in place that the applicant must provide proof of recording prior to obtaining a permit since the County is no longer sending a copy of the recorded plans back to the Municipalities as done in the past. Mr. Waybright said he wasn't sure what happened to the first set of plans, but presented the Board with another recordable set of plans for signatures from his

approved plan.

Paul Bametzreider, Township Solicitor said that since a land development plan would have been required as well as a Zoning Permit and a Building Permit which consists of three separate violations to the Zoning Ordinance, the Board could impose fines for each violation and get a court order to have Mr. Waybright remove everything from the building until he gets the necessary permits, noting that he feels the Board should uphold their Ordinances and make sure that the people respect the Ordinances since when the Ordinances are adopted, they are the law. A discussion was held about another property owner who did not obtain a permit prior to constructing two poultry barns and a $500.00 fine was imposed, but the Board did not obtain a Court Order to remove the chickens, but it is disturbing that the Ordinances are not being respected.

Liz Krause, Zoning Officer said she originally contacted Mr. Waybright to notify him that a permit was required for what appeared to be the start of new construction on his property, and Mr. Waybright said he planned on constructing a garage but for now was just putting in a concrete pad. Krause said she told Mr. Waybright a permit was required for the concrete pad he was planning. Krause said that Chrisland Engineering's email to Steve Sherk confirmed her suspicions that Mr. Waybright had already constructed a seconded addition to his building without obtaining land development approval as well as a Building and Zoning Permit. She added that she then discovered that Mr. Waybright also erected a loading dock without obtaining a permit and Attorney Bametzreider said that the erection of another unpermitted structure would be considered a separate violation to the Zoning Ordinance to which another $500.00 fine could be imposed by the Board.

Steve Sherk explained that Josh of Chrisland Engineering emailed him about the new addition and after talking to Liz Krause, he then realized a permit was never obtained for the second addition. Steve said Mr. Waybright will need to submit a new land development plan which would retroactively permit the second addition and then approve the third addition. He would need then need to obtain a permit for the second addition and have it inspected to verify building code compliance in order to obtain the Certificate of Occupancy. After that he would have to apply for a permit for the proposed addition.

Atty. Bametzreider noted that there were four violations: No Zoning Permit, no Building Code Permit, no Certificate of Occupancy and no permit for the dock. He said the Board could impose a fine of $500.00 for each violation and commence action to cease the use of the unpermitted addition that has already been constructed. After another lengthy discussion, Dennis Firestone made a motion seconded by Kerry McCrary to impose a total fine of $2,000.00 ($500 each for four violations) to Jordan Waybright. All approved. Mr. Waybright was also informed that he cannot build anything until a new land development plan is approved and recorded and permits are obtained.

APPROVE BOS MEETING MINUTES FROM THE FEBRUARY 10, 2021 MEETING

Kerry McCrary made a motion seconded by Dennis Firestone to approve the February 10, 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 WEISNICHT

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

   The Planning Commission recommends the Board accept the 180-day time extension as granted by Neil Patel in his email dated 2/26/21. Dennis Firestone made a motion seconded by Gary Longenecker to accept the 180-day time extension for the Home 2 Suites Land Development Plan.

2. Miller Bed & Breakfast Subdivision & Land Development Plan

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

3. Eric Newswanger Poultry Operation Revised Land Development Plan

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

4. Minor Subdivision & Final Land Development Plan for Freightliner of Lebanon

   The Planning Commission recommends the Board approve the plan. Atty. Bametzreider said the Letter of Credit is in place, the Agreements have been signed by the Developer and Steve Sherk, Township Engineer said all the items in his comment letter have been addressed, and the Plan is ready for approval. Dennis Firestone made a motion seconded by Kerry McCrary to approve the Minor Subdivision & Final Land Development Plan for Freightliner of Lebanon. All approved.

ZONING OFFICER REPORT – LIZ KRAUSE

Liz Krause, Zoning Officer reported that five (5) permits were issued totaling $1,987.00, $2,561.00 was received in Reimbursement of Fees and $600.00 was received in Zoning Hearing Board Fees.

Case # 21-01-The Zoning Hearing Board granted the special exception with seven conditions as recommend by the Planning Commission to Dale Miller for the Miller Bed & Breakfast Subdivision & Land Development Plan and the multipurpose gathering building.

Case # 21-02-The Zoning Hearing Board granted variances to the side setback requirements to Christopher Boehler, owner of 30 Hill Drive to allow him 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 non-conforming mobile home.

Case 21-03-Jordan Waybright filed a petition to the Zoning Hearing Board asking for a rear setback variance to construct a garage in the same location as the recently demolished non-conforming mobile home which was approximately 10' from the rear property line on his property located at 1549 Suedburg Road.

- 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. At last month's meeting, Atty. Race said he will verify that the two trailers are licensed. If the trailers are licensed, the property has been brought into compliance. Atty. Bametzreider said that Atty. Race has been quarantining and was not able verify the licensing of the trailers, but will do so for the April meeting.

- As of Monday, the property was still partially snow covered but it looked like some items were removed from the driveway at 47 Whitetail Lane

- There are no changes at 239 Awol Road. Atty. Bametzreider said a complaint has been filed with the Court of Common Pleas and they are waiting for a response from the property owner.

- As promised by the property owner, two more of the unlicensed vehicles have been removed from the property at 152 Silvertown Road. There are two unlicensed vehicles remaining on the property but are allowed by the Ordinance.

- As of Monday, March 8th, there have been no noticeable changes to the property at 50 Hill Drive regarding the violations to the Zoning Ordinance, Nuisance Ordinance and Vector Control Ordinance. As discussed at last months' meeting, the Board granted an additional 30 days, (March 26th) to the property owner to bring the property into compliance before commencing any further legal action. Atty. Bametzreider said that he had a conversation with the property owner's attorney asking to have the date extended from March 26th to March 31. Dennis Firestone made a motion seconded by Kerry McCrary to extend the previously approved date of March 26th to March 31st before commencing legal action if the property is not brought into compliance. All approved.

- A certified letter was sent to the owners of 58 Hoover Drive notifying them of the Township's regulations pertaining to non-commercial keeping of livestock relative to their uncontained, unleashed and unattended horses roaming freely on Hoover

Drive. Upon receipt of the letter, the owner has started the installation of an agricultural fence and has the horses contained on his property.

- A certified letter was sent to the owner of Off Road Realty, LLC located at 2309 State Route 72 regarding the 40' by 80' addition that was put on the building without a permit as well as what appears to be a cement loading dock without obtaining a permit. The letter stated that the owner must cease and desist use of the unpermitted addition until a Zoning Permit and Certificate of Use and Occupancy is obtained. Jordan Waybright, (owner) contacted me for leniency regarding the Cease & Desist order and I asked him to come to tonight's meeting to speak to the Board regarding the issue.
  (It was also noted in the letter that the Township never received a recorded copy of the Lebanon Valley Cycles Land Development Plan which allowed the first addition after it was approved by the Board and released for recording, and it has since been verified that the Plan was never recorded. At the time of writing this report Chrisland Engineering said they will be bringing a recordable set of the plans to our office for signing prior to tonight's meeting.) Liz Krause noted that this issue was addressed earlier in the meeting under "Public Comments".

ROAD FOREMAN REPORT – BRYAN MICHAEL

Bryan Michael, Road Crew Supervisor said the Road Crew has been spending most of their time fixing signs and washing the trucks. He commented that the recently purchased post pound works great.

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 now one day past DEP's 86-business day permit decision guarantee deadline, so the permit may be deemed approved. However, the permit is still listed as "pending" on DEP's "eFACTS" website. I have also requested a permit status update from Ed Muzic, Manager of Wetlands and Waterways Division at DEP, and will update the Township as soon as he responds.
2. Sand Siding Road (Dirt, Gravel and Low Volume Road (DGLVR) Grant. The Lebanon County Conservation District Board awarded the Township a Dirt, Gravel and Low Volume Road (DGLVR) grant in the amount of $175,000 for improvements to Sand Siding Road. 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. We received DEP's initial review letter for the GP-11 application on December 1, 2020. DEP's only comment was to provide USFWS clearance of the potential bog turtle impact. We have since received USFWS clearance and submitted it to DEP on January 14. We are still awaiting DEP's approval of the permit.
   In January, 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. Even though we prepared a vegetative restoration plan, which includes tree replacement, DCNR would like a map showing all individual trees to be removed, including species and diameter at breast height. 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 Green Point School Road Bridge project only impacted 1,217 square feet of park land and yet required payment in the amount of $12,140 for the removal of six (6) trees. This project will impact just over one-quarter acre of parkland and would likely require removal of many more trees so the cost could be significant.

Brent is in communication with DCNR concerning a potential waiver of fees associated with the tree removal since construction of this project will benefit Swatara State Park and its users more than Union Township and its residents. We will not proceed with any additional work until this issue is resolved.

We received the Geotechnical Engineer's investigative report to confirm allowable bearing capacity for the concrete footer design. We are waiting for DCNR's decision concerning the tree replacement fee before we submit the Geotech Report to Lane Enterprises to start on the footer design.

3. 2021 Paving and Oil & Chip Contracts. Bid documents for the Township's 2021 Paving and Oil & Chip Contracts are complete and the project has been advertised for bids. Bids are scheduled to be opened on April 13th. The paving contract includes replacement of a 2A stone subbase and 25mm base course along the first 450 feet south of Tomstown Road and 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.

RESOLUTION #3-2021, ESCALATOR CLAUSE

Steve Sherk said that he recommends the Board approve Resolution #3-2021 regarding the Escalator Clause for Paving Contracts which helps guard against inflated bids. The contractors are protected if the Asphalt Price Index increases by more than 10% between the bid opening and the actual construction and it also gives the Township the advantage of a rebate if the API decreases by more than 10%. Dennis Firestone made a motion seconded by Gary Longenecker to adopt Resolution #3-2021. All approved.

CITY OF LEBANON REQUESTING EXEMPTION FROM FEES A STREET RESTORATION PERMIT

Steve Sherk explained that the City of Lebanon Authority (COLA) has requested an exemption from the fees for a street restoration permit for proposed construction near the Northeast corner of SR 72 & Jonestown Road. Atty. Bametzreider said the performance bond guarantees escrow and it's not uncommon for municipalities to waive the escrow fees. Dennis Firestone made a motion seconded by Kerry McCrary to waive the escrow fee but not the

permitting fee for the City of Lebanon's Street Restoration Permit for the proposed construction near the Northeast corner of S& 72 and Jonestown Road. All approved.

SIGNAGE FOR FISHER AVENUE REGARDING TURNS ONTO SOUTH BORDNERSVILLE ROAD

Brent McFeaters said due to the damage caused by trucks turning off of Fisher Avenue onto Bordnersville Road, he has talked to Penn Dot about signage on Fisher Avenue to prohibit the trucks from turning onto south Bordnersville Road and plans on sending a permit application to Penn Dot for the signage. He added that he spoke to Dave Weisnicht of Ft. Indiantown Gap in the hopes of getting the Gap to site tractor trailers and direct them to Old Forge Road to access the warehouses since the State Police will not enforce Township regulations.

SOLITOR'S REPORT – PAUL BAMETZREIDER

Atty. Bametzreider said that he has prepared a draft ordinance for an amendment to the Zoning Ordinance regarding eliminating Article 5 Section 210-23.A from the 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, but there is a 500' setback requirement for poultry buildings still in place from the old Ordinance that should be removed. Atty. Bametzreider asked the Board to authorize him to send the text amendment to the County for comment. Dennis Firestone made a motion seconded by Gary Longenecker to authorize Attorney Bametzreider to send a copy of the proposed ordinance for an amendment to the Zoning Ordinance to eliminate Article 5 Section 210-23.A from the Zoning Ordinance to the County for comment. All approved.

Atty. Bametzreider also reported that they have filed a Writ of Execution with the Sheriff to levy the tires on the property at 15 Campmeeting Road and will then coordinate to get a contractor to clean up the property, then put a municipal lien the property and sell it to get the Township's money back. He noted that the Township has a $12,000.00 judgement against the property, and there are no mortgages against the property but the taxes for 2019 and 2020 have not been paid. The property is not yet scheduled for tax sale, but the plan is to have everything done before the sale.

NEW BUSINESS

RESOLUTION #2-2021, RECYCLING CENTER REGULATIONS AND FEES

Brent McFeaters, Township Manager said Resolution # 2-2021 explains the new regulations and the fees associated with the new card system for the Recycling Center which will go into effect May 1, 2021. He added that regulations will be posted on the Township website and the fee will be $25.00 annually. Dennis Firestone made a motion seconded by Kerry McCrary to adopt Resolution #2-2021 regarding the regulations and fees for the Recycling Center. All approved.

DUMP TRUCK PURCHASE

Dennis Firestone explained that the Township is going to purchase a new single axle dump truck from Legacy Truck Sales and the quote for the Mack Granite 42FR cab/chassis is $114,699.00. Brent McFeaters,added that he also received a quote from MJR in the amount of $79,548.00 for the truck body, plow, spreader, hydraulics, labor and a few other items and noted that the truck shoul After a discussion regarding the truck purchase, Dennis Firestone made a motion seconded by Kerry McCrary to authorize the purchase of the truck and body as quoted by Legacy Truck Sales and MJR. All approved.

APPROVE 2021 COUNTY AID PROJECT FUNDS - $3,099.00

Brent McFeaters said the County Aid Project Funds are based on population and is to be used for General Maintenance on Township Roads. Dennis Firestone made a motion seconded by Kerry McCrary to approve the 2021 County Aid Project Funds in the amount of $3,099.00. All approved.

LEBANON COUNTY TIRE COLLECTION CONTRIBUTION $650.00

Brent McFeaters explained that the Lebanon Tire collection will take place on Wednesday April 28, 2021 from 8:00 a.m. to 4:00 pm. at the Lebanon Expo Center at 80 Rocherty Road, Lebanon, PA and that last year's contribution was $650.00. Ne noted that the deadline for pre-registration is Friday, April 16, 2021 and applications are available in the lobby at the Township. Dennis Firestone made a motion seconded by Kerry McCrary to contribute $650.00 to the Lebanon County Tire Collection. All approved.

APPOINT WENDY SHOLLENBERGER AT THE ALTERNATE FOR THE TAX COLLECTION COMMITTEE OF THE NORTHR LEBANON MUNICIPALITIES

Dennis Firestone made a motion seconded by Kerry McCrary to appoint Wendy Shollenberger from Bethel Township as the alternate for the Tax Collection Committee of the Northern Lebanon Municipalities. All approved.

ROUTE 72 BRIDGE (EBENEZER BRIDGE)

Dennis Firestone announced that the Route 72 Bridge (Ebenezer Bridge) crossing the Swatara Creek will be replaced starting the fall of 2023 and will not be completed until the Fall of 2024 per Penn Dot.

BILLS PAYABLE

Dennis Firestone made a motion seconded by Gary Longenecker to pay the bills in the amount of $100,916.41 from the General, Recycling, Liquid Fuels Street-Light, & Payroll Funds. All approved.

DATE OF NEXT PLANNING COMMISSION MEETING

Wednesday, April 7, 2021- 7:00 PM

DATE OF NEXT LICKDALE TREATMENT PLANT MEETING

Wednesday, April 14 2021 - 6:30 PM

DATE OF NEXT BOARD OF SUPERVISORS MEETINGS

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

ADJOURNMENT

With no further business or comments, the meeting was adjourned at 7:58 p.m.

Respectfully submitted,

Elizabeth Krause
Recording Secretary