

September 13, 2022
Lickdale, PA

The Union Township Board of Supervisors met in regular session on Wednesday September 13, 2022. The meeting was held at the Municipal Building, 3111 SR 72, Jonestown, PA.

Dennis Firestone called the meeting to order at 6:41PM.

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
Chief Farneski – Cleona Police Department
Eight (8) Residents

EXECUTIVE SESSION

Dennis Firestone announced that an Executive Session was held on Thursday, August 25, 2022 to review information for a truck parking ordinance.

PUBLIC COMMENTS

Kevin Zearfoss, owner of Moose's LZ located at 211 Fisher Avenue explained to the Board that since the Gap has closed part of Fisher Avenue, trucks are making U turns in the middle of the road, which is very dangerous and added that some are turning around in his parking lot. He asked if it would be possible to install additional signage before the trucks get off the Interstate to direct them to the warehouses so this problem could be avoided. Steve Sherk, Township Engineer suggested contacting Senator Gebhart because he was able to help another Municipality get Penn Dot to put up signs for DHL. After a lengthy discussion, the Board directed Brent McFeaters to contact Senator Gebhart for assistance with this issue.

APPROVE BOS MINUTES – August 10, 2022

Dennis Firestone made a motion seconded by Gary Longenecker to approve the minutes from the August 10, 2022, meeting. All approved.

APPROVE JULY FINANCIAL REPORT

Kerry McCrary made a motion seconded by Dennis Firestone to approve the Financial Report. All approved.

CLEONA BOROUGH POLICE SERVICES – CHIEF JEFF FARNESKI

Chief Farneski reported that the Cleona Borough Police handled 76 incidents in Union Township and 29 moving violations. He said counterfeit money has been circulating

in the area and said that scammers are calling people trying to get their debit card information so everyone should be cautious.

NORTHERN LEBANON FIRE AND EMERGENCY SERVICES – ROB TAYLOR

The report is available with handouts (only when provided by the NLFES)

LIFE LION AMBULANCE SERVICES – JOHN SHOOK

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

PLANNING COMMISSION – LIZ KRAUSE

Liz Krause explained that although the Planning Commission did not meet for their September meeting, Chrisland Engineering submitted a letter granting a 90-day time extension for the Final Subdivision and Land Development Plan for 19 Silvertown Road. After a brief discussion, Dennis Firestone made a motion seconded by Gary Longenecker to accept the 90-day time extension for the Final Subdivision and Land Development Plan for 19 Silvertown Road. All approved.

ZONING OFFICER REPORT – LIZ KRAUSE

Liz Krause, Zoning Officer reported that twelve (12) permits were issued totaling \$918.00 and \$1,991.51 was received in reimbursement of fees and \$600.00 was received in Zoning Hearing Board fees.

ZHB Case 22-03

The Zoning Hearing Board met on Monday August 22, 2022, regarding the special exception for storage units on the property on the North Side of Fisher Avenue (behind the car wash) which is located in the Commercial Zoning District. The Zoning Hearing Board granted the special exception with the following conditions:

1. Fencing will be provided as shown at the Hearing
2. A shared access & maintenance agreement be provided
3. No outside storage permitted
4. There will be no hookup to water or sewer without the approval and permit by Union Township & the Zoning Hearing Board by special exception
5. Provide for trash receptacle on site

ZHB Case 22-04

Marlin Champ would like to build a 1,600 sq. ft. dog kennel on his property at 19 Huckleberry Road. Mr. Champ is asking for relief from Article 5F which requires 4 acres with a lot width of 150' for the non-residential use of commercial kennels in the Agricultural District. Since the existing home on the property is considered the principal structure/use on the property, Mr. Champ is also asking for relief from Article 13C.1 which states that more than one structure or building housing a permitted principal use may be erected on a single lot, provided that area, yard and other requirements of the Zoning Ordinance shall be met for each structure or building as though it were on an individual lot, AND that all requirements of the Union Township Subdivision & Land Development Ordinance are complied with.

This Hearing will be held on Monday, October 24, 2022, at 7:00 p.m.

Petition for Zoning Amendment

Eugene Mease has filed a Petition for a Zoning Amendment to have his Agricultural-zoned property located at 3219 SR72 zoned to Industrial which will be covered later in the meeting.

Enforcement Issues

A formal complaint was filed stating that the owner of 20 Stoney Lane is using a permit that was issued for a shed/storage building to construct a house and stated that someone is living in the building. Upon permission of the owner, Brent and I visited the property which showed no evidence of anyone living in the structure. The owner stated the building is being used for storage and will be his workshop, but since there is work still being done on the inside of the building, I said we would like to stop in periodically to verify that the structure is being used as permitted.

I received a complaint regarding an issue with groundhogs due to weed overgrowth and bushes at 451 Jonestown Road. The owner removed the weeds and trimmed the bushes upon receipt of my phone call.

I contacted the owners of the parcel on the SS of Lickdale Road (across from the Campground) regarding discarded tires being used to block access onto their vacant lot. The tires were removed shortly after my call.

I contacted the owner of 261 Awol and the tenant on Cherry Lane regarding cinderblocks being used to deter trespassing but extending into the Township's ROW. The cinderblocks have since been removed.

ROAD FOREMAN REPORT – Bryan Michael

Bryan Michael reported that they've been busy doing berm and drain cleaning on Greenpoint School Road and will start mowing again.

ENGINEERS REPORT – STEVE SHERK, TOWNSHIP ENGINEER

1. Ridge Road Culvert Replacement. Notice to Proceed letter was sent to A.H. Moyer on July 1, 2022. Per the contract, the project is required to be substantially completed by Thursday, September 29, 2022. However, A.H. Moyer is formally requesting a time extension for substantial completion to October 31st. They plan to mobilize on-site around mid-September based on my latest conversation with the project manager. Dennis Firestone made a motion seconded by Kerry McCrary to grant A. H. Moyer the time extension until October 31st for substantial completion of the Ridge Road Culvert Replacement. All approved.
2. Sand Siding Road (Dirt, Gravel and Low Volume Road (DGLVR) Grant – Phase 2. A pre-construction meeting with CPA Pavement Services, Inc. and the Lebanon County Conservation District was held on September 7th. CPA is starting work this week. The road will be closed for a portion of the work.

3. Bank Stabilization at 1 Bordnersville Road. Woodland Contractors is expected to complete construction of the gravity retaining wall and related drainage facilities this week.
4. PennDOT Green Light-Go Agreement – Fisher Avenue - Signal Improvements. ELA Group (our traffic subconsultant) is ready to proceed with traffic signal permit applications pending decisions on the Statewide Local Share Assessment (LSA) and the Automated Red Light Enforcement Transportation Enhancements (ARLE) grant applications (see items 5 and 6 below). The Township can bid the project after the traffic signal permits are approved. The Township has until May 15, 2024 to complete construction of the project and the final invoice must be submitted to PennDOT by May 31, 2024.
5. Statewide Local Share Account (LSA) Grant. As previously reported, we submitted a Local Share Assessment (LSA) grant application on behalf of the Township in March proposing to improve the intersection of Fisher Avenue, Old Forge Road, and the I-81 NB ramp. This grant would only cover work within the intersection proper (traffic signal work, restriping, etc.) and not work needed to widen the I-81 on-ramp, as the grant program manager has concluded that work within the federal ROW is not applicable to this program. Our DCED contact said the earliest the LSA-Statewide applications will go before the CFA Board is at the November 2022 meeting, however, that is not guaranteed.
6. Automated Red Light Enforcement Transportation Enhancements (ARLE) Grant Program. This another statewide grant program that is available and could provide potential funding for improvements at the intersection of Fisher Avenue, Old Forge Road, and the I-81 NB ramp. The ARLE Funding Program is a reimbursement grant program and there is no match requirement. The total amount of statewide grant funding available in FY 2022-2023 is anticipated to be approximately to \$14 million. It is our understanding this grant program would cover the full cost of the intersection project, including the cost to widen the I-81 on-ramp, which the LSA grant will not cover. We submitted this grant application on June 23rd. ARLE Selection Committee is supposed to announce the grant awards in December.
7. Quartermaster Road Culvert Replacement. Construction plans and bid documents are completed. However, the proposed improvements will encroach beyond the Township's legal right-of-way. Therefore, a Temporary Construction Access Licensing Agreement is needed from the Commonwealth of PA (Fort Indiantown Gap) to permit installation of the proposed improvements. We will advertise for bids as soon as the construction access agreement is completed unless the Township prefers to bid the project now and finish the agreements prior to starting construction. Brent McFeaters said he will reach out to Dave Weisnicht of Ft. Indiantown Gap regarding the agreement and Dennis Firestone said Mr. Weisnicht should provide written confirmation before the bids are advertised. Dennis Firestone made a motion seconded by Gary Longenecker to put out the bid for the Quartermaster Road Culvert Replacement upon receipt of Dave Weisnicht's written confirmation of the agreement. All approved.
8. MS4 Waiver Application. We are submitting the PAG-13 NPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) Notice of Intent (NOI) and Waiver application later this week.

LEBANON FEDERAL CREDIT UNION'S LETTER OF CREDIT #HLB8322203030001 IN THE AMOUNT OF \$84,400.00 AND LETTER OF CREDIT # HLB8322203030002 IN THE AMOUNT OF \$199,300.00

Steve Sherk referred to his letter dated September 8, 2022, regarding the Preliminary Final Subdivision Plan for Ray E. & Joyce Ann Lausch and the Final Land Development Plan for Lebanon Federal Credit Union. He explained that both letters of credit would not be extended and will expire on October 29, 2022, so they performed a comprehensive inspection to determine the status of the site improvements required by the approved plan and recommend full release of the financial security in the amount of \$84,400.00 from Letter of Credit No. HLB8322203030001. Dennis Firestone made a motion seconded by Kerry McCrary to release the full amount of \$84,400.00 of Letter of Credit #832220303001 bringing the balance to \$0. All approved.

Since there is remaining work to be completed, and they have agreed to renew the Letter of Credit, Mr. Sherk recommended a partial reduction of Letter of Credit No. HLB8322203030002 in the amount of \$189,230.00 leaving a balance of \$10,070.00 as security for the remaining work. Dennis Firestone made a motion seconded by Kerry McCrary to release \$189,230.00 from Letter of Credit # HLB8322203030002 leaving a balance of \$10,070 for the remaining improvements.

SOLICITOR'S REPORT – PAUL BAMETZREIDER

PETITION FOR REZONING

Atty. Bametzreider said the Township has received a Petition to Rezone from Eugene Mease to rezone 3219 State Route 72 from Agricultural Zoning to Industrial Zoning. Atty. Bametzreider pointed out that there is neighboring ground that is zoned Industrial so spot zoning would not be an issue in rezoning this parcel from Agricultural to Industrial.

Nelson Ebersole, Broker of Suburban Realty who represents Mr. Mease, explained that Mr. Mease owns a total eighteen (18) acres next to the police barracks noting that twelve (12) of those eighteen (18) acres are zoned Industrial and the 5.8-acre parcel is zoned agricultural. Mr. Mease has entered into an agreement of sale with a company who wants to build a 200,000 sq. ft. warehouse. The agreement of sale is contingent upon the 5.89-acre parcel being rezoned to Industrial.

Brent McFeaters, Township Manager presented the Board with the site plan showing the proposed warehouse which Atty. Bametzreider said splits the two parcels owned by Mr. Mease and Nelson Ebersole said the two lots would be consolidated into one lot.

Atty. Bametzreider said this Petition to Rezone is technically addressed to the discretion of the Board of Supervisors which would require a Public Hearing, a Zoning Ordinance and a Zoning Map Amendment, so the Board must make a decision to decide if they are interested in holding a Hearing, but prior to a Hearing it must be sent to County Planning and the Planning Commission for comments which both have a 30-day comment period. Atty. Bametzreider explained to Mr. Ebersole that at this point the Board cannot affirm that they would rezone the property but could agree to move forward to take the steps to hold a Public Hearing if they choose to do so.

Tim Shuey of 30 Bohns Lane asked how close the proposed warehouse will be to his property which is right beside it. Nelson Ebersole said the warehouse appears to be at least 50 feet away from the property line. Dennis Firestone said he is interested in hearing the comments of the nearby property owners and Kerry McCrary agreed. After a brief discussion, Dennis Firestone made a motion seconded by Gary Longenecker to authorize Paul Bametzreider, Township Solicitor, and Steve Sherk, Township Engineer to proceed with the necessary steps to hold a Hearing regarding Eugene Mease's Petition to Rezone 3219 State Route 72 from Agricultural to Industrial Zoning. All approved.

TEXT AMENDMENT FOR A TRUCK PARKING FACILITY

Atty. Bametzreider said that they have set up a workshop session regarding the potential text amendment for the Zoning Ordinance to allow a truck parking lot behind Love's that Jeff Camp is working on. Paul explained that the workshop will be held at the Township Building on September 28th and Brent McFeaters said he will take care of advertising the workshop.

ACT 57 AMENDS THE LOCAL TAX COLLECTION LAW

Atty. Bametzreider informed the Board that the state legislature has passed Act 57 which is an act that amends the local tax collection law to allow that if someone can demonstrate that they haven't received the notice of the taxes due on a property that's been assessed, they can waive any penalties and costs that might be associated with their failure to pay the tax. The new act mandates that the Township adopt a new Resolution by the end of the year putting that Act in place. Paul said the Resolution will be available for the Board's adoption in October.

CPA TO PERFORM THE TOWNSHIP'S AUDIT

Atty. Bametzreider stated that it's time to start looking for a CPA to do the Township's audit so next month he will ask the Board to entertain a resolution to authorize advertising for a CPA.

JOHN LIGHT HEARING

Atty. Bametzreider said they have prepared a Praecipe for Hearing in the matter of John Light and the Municipal Lien asking Judge Charles to schedule a Hearing for the property in Yingst Drive. Paul said it will move the Township one step closer to executing the Municipal Lien that has been filed.

Atty. Bametzreider noted that Mr. Light filed an Affidavit of Defense but tried to file a counter claim which wasn't permissible under the Municipal Claim Law so Judge Charles threw that out and gave him time to file the Affidavit of Defense where he filed a number of defenses to the Municipal Lien that the Township has filed. Atty. Bametzreider said now they must put that in front of the Judge and let the Judge decide whether any of those defenses have any merit. Dennis Firestone asked Atty. Bametzreider to let him know the Hearing date because he would like to attend.

NEW BUSINESS

MOTION TO APPROVE THE 2022 MMO FINANCIAL NUMBERS FOR THE YEAR

Brent McFeaters informed the Board that the Minimum Municipal Obligation (MMO) in the amount of \$21,143.00 is based on 2021's Earnings and upon the Board's approval, he will forward that information to the State. Dennis Firestone made a motion seconded by Gary Longenecker to approve the 2022 financial numbers for the year. All approved.

LEBANON COUNTY AGRICULTURAL LAND PRESERVATION BOARD ASKING FOR DONATIONS TO PRESERVE FARMLAND IN LEBANON COUNTY

Brent McFeaters said that last year Union Township donated \$1,000.00 to the Land Preservation Board. After a brief discussion, Dennis Firestone made a motion seconded by Gary Longenecker to donate \$1,000.00 to the Lebanon County Land Preservation Board. All approved.

BILLS PAYABLE

Dennis Firestone made a motion seconded by Gary Longenecker to pay the bills in the amount of \$177,174.13 from the General, Recycling, Liquid Fuels Street-Light, Payroll Funds and ARP Funds. All approved.

OTHER COMMENTS

Brent McFeaters informed the Board that he received notification that the Township will receive about \$167,000 from the next ARP release

DATE OF NEXT PLANNING COMMISSION MEETING

Wednesday, October 5, 2022- 7:00 PM

DATE OF NEXT LICKDALE TREATMENT PLANT MEETING

Wednesday, October 12, 2022 - 6:30 PM

DATE OF NEXT BOARD OF SUPERVISORS MEETINGS

Wednesday October 12, 2022 - immediately following the Lickdale Sewer Meeting

ADJOURNMENT

With no further business or comments, the meeting was adjourned at 7:27 p.m.

Respectfully submitted,

Elizabeth Krause
Recording Secretary