

November 9, 2022
Lickdale, PA

The Union Township Board of Supervisors met in regular session on Wednesday November 9, 2022. The meeting was held at the Municipal Building, 3111 SR 72, Jonestown, PA.

Dennis Firestone called the meeting to order at 6:57PM.

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
Sergeant Matthew Klein, State Police
Fifteen (15) Residents

PUBLIC COMMENTS

Kristi Sanders of the King's Plantation Homeowner's Association said they are having a problem with speeding at Shepherd Street to Jonestown Road and from Shepherd Street to Mayflower Drive. She pointed out that there are two stop signs that drivers are flying through, and she is concerned for the safety of the children in the neighborhood. She said the worst time in the morning is 7:05 a.m. to 7:20 am. and in the afternoon around 2:35 p.m. to 2:50 p.m. Ms. Sanders also said that there is a mother who speeds through the area everyday between :am and 9 am. and said she knows she previously spoke to the Board about the problem and that speed bumps were ruled out, but she is looking for a solution before a tragedy happens there. Chief Farneski said they are working addressing the speed more and more in that area, and the Board asked him to make their presence known in that area and Sergeant Klein from the State Police said the State Police will monitor the area as well. Kerry McCrary said he feels the presence of the police and people getting tickets should make a big differenced and help with the problem.

STATE POLICE REPORT

Sergeant Matthew Klein of the Pennsylvania State Police provided the Board with the year-to-date statistics from January 1 to November 9th and said they had 1,927 calls for service, 2,060 arrests, 1302 stops, 966 citations 682 warnings, 141 crashes, 3 fatal crashes, and 4 non traffic deaths.

APPROVE BOS MINUTES – October 12, 2022

Dennis Firestone made a motion seconded by Gary Longenecker to approve the minutes from the October 12, 2022, meeting. All approved.

APPROVE FINANCIAL REPORT

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

CLEONA BOROUGH POLICE SERVICES – CHIEF JEFF FARNESKI

Chief Farneski reported that the Cleona Borough Police handled 62 incidents in Union Township, issued 8 parking citations and 31 moving violations.

PLANNING COMMISSION

There was no Planning Commission meeting, but the Township received a letter from Chrisland Engineering dated 11/1/22 granting a 90-day time extension to the Miller Bed & Breakfast Subdivision & Land Development Plan. Dennis Firestone made a motion seconded by Gary Longenecker to accept the 90-day time extension as granted in Chrisland Engineering's letter dated 11/1/22. All approved.

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)

ZONING OFFICER REPORT – LIZ KRAUSE

Liz Krause, Zoning Officer reported that two (2) permits were issued totaling \$278.00 and \$3,284.63 was received in reimbursement of fees and \$600.00 was received in Zoning Hearing Board Fees.

ZHB Case 22-04

On Monday, October 24th, the Zoning Hearing Board denied the variances for Marlin Champ to build a 1,600 sq. ft. dog kennel on his property at 19 Huckleberry Road.

ZHB Case 22-05

David & Jill Beamesderfer have filed a Petition for a variance to the setback requirements (Article 5, Section F) for their Agricultural-Zoned property located at 85 Lincoln School Road. Their paperwork shows three possible options for the location of either an attached garage, a detached garage or a shed, none of which can meet the setback requirements, with their first choice being for an attached garage. The Hearing will be held on Monday, November 28th at 7:00 p.m.

Enforcement Issues

A Cease & Desist letter was sent to the owner of 19 Huckleberry Road because sheds were erected without obtaining permits. The sheds were removed upon receipt of my letter.

A formal complaint was filed against the property at 16 Lion Lane regarding an open fire pit located in the back yard of the property. A certified letter and the Burning Ordinance will be sent to the property owner informing them that no burning is allowed in the Medium Density Residential Zoning District.

Last month I reported that enforcement notices were sent to the owner of 651 Jonestown Road because of grass overgrowth and refuse and other discarded items scattered throughout the property. After last month's meeting I contacted Tom Kotay of Lebanon Free Church and he said they would reach out to the property owner and offer their help to clean up the property. Krause added that she received an email from Tom Kotay who said the Serve Team of the Lebanon Area Evangelical Free Church has been in touch with the property owner and on November 17th they will mow the grass, bag up the garbage, trim the tree branches and weed the flower beds.

ROAD FOREMAN REPORT – Bryan Michael

Bryan Michael reported that they've fixed Neuins Lane, culvert and have been busy hauling dirt.

ENGINEER'S REPORT – STEVE SHERK

1. Ridge Road Culvert Replacement. A.H. Moyer is finishing pavement restoration and guiderail installation this week. See attached letter dated October 28th recommending payment to A.H. Moyer in the amount of \$31,442.35. Dennis Firestone made a motion seconded by Gary Longenecker to pay \$31,442.25 to A. H. Moyer. Please also see Change Order No. 1 for additional paving in the amount of \$2,373.86. The additional paving includes shoulder areas between the existing edge of pavement hand headwalls for reduced maintenance by Township personnel. Dennis Firestone made a motion seconded by Kerry McCrary to pay \$2,372.86 to A. H. Moyer for change Order No. 1 for the additional paving. All approved.
2. Sand Siding Road (Dirt, Gravel and Low Volume Road (DGLVR) Grant – Phase 2. All excavation, grading, and restoration work is expected to be completed this week with guiderail installation scheduled for next week.
3. 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.
4. 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.
5. 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 expected to announce the grant awards in December.

6. Quartermaster Road Culvert Replacement. Bids were opened on Monday, October 24th. See bid recommendation letter dated November 7, 2022.

Steve Sherk said there were eight bidders for the project and Ankiewicz Enterprises, Inc. of Tamaqua was the lowest bidder with a lump sum bid price of \$97,378.00 (with allowances that are built into the lump sum price but may not be needed) and Custer Excavating of Palmyra submitted a bid that was slightly higher at \$98,265.00. Because Union Township and the employees of Steve's office were not familiar with Ankiewicz Enterprises, Inc, Steve said they contacted the owners or design engineers from the companies that were submitted as "completed projects or works in progress list" with Ankiewicz's bid and the responses were very concerning regarding Ankiewicz's ability to complete the project to the Township's satisfaction. Steve added that he did send a letter to Eric Ankiewicz asking him to provide an explanation and he responded with a detailed email responding to the issues that were brought up. Steve said they did invite him to attend tonight's meeting.

Steve asked Atty. Bametzreider to reiterate on the grounds for bid rejection noting that his letter made it very clear that they were going to hold Ankiewicz to the specifications including the time schedule which requires completion by April 30, 2023, and Mr. Ankiewicz's response to his letter indicated that they would have no issues or problems completing the project as submitted on their bid. Dennis Firestone pointed out that there were six different negative responses from Ankiewicz's references, and he feels their bid should be rejected. Atty. Bametzreider said if the bid would be awarded to Custer who was the second highest bidder, he can't guarantee that the statements in the letter would hold up in Court and said the 2nd Class Township Code requires that the Township award any bid to the lowest responsible bidder and unless the Township has some sort of knowledge, that they are confident in that the bidder is not responsible, the Township is obligated to go with the lowest bidder.

Kerry McCrary said he read all the information provided and knows Custer does a good job, but would the Township be legally bound to award the bid to the lowest bidder. Gary Longenecker pointed out that the job is an easy straightforward job and should not be a problem to complete according to the specifications.

Dennis Firestone said he feels there is enough of documentation that Ankiewicz is not a very qualified bidder. Steve said potentially it could be grounds for bid rejection and Atty. Bametzreider agreed but said if the matter goes to Court the Township would have to demonstrate that, but those statement may not necessarily hold up in Court.

After a lengthy discussion, Dennis Firestone made a motion to reject Ankiewicz's bid. The motion failed for lack of a second. Kerry McCrary made a motion seconded by Gary Longenecker to award the bid for the Quartermaster Road Culvert Replacement to the low bidder, Ankiewicz Enterprises, Inc. whose bid was in the amount of \$97,378.00 contingent upon receipt of the performance bond, payment bond, certificate of liability insurance, and the fully executed Agreement between Owner and Contractor. Dennis Firestone voted nay. Motion carried

SOLICITOR'S REPORT – PAUL BAMETZREIDER

ATTY. DAVE TSHUDY - TEXT AMENDMENT – TO REVIEW HEARING DATE FOR TRUCK PARKING LOT

Atty. Bametzreider turned the floor over to Atty. Tshudy to address the text amendment on behalf of Jeff Camp regarding the possibility of putting a truck parking lot behind Loves.

Atty. Tshudy said he is representing Jeff Camp of Lickdale Associates and explained that over the past few months he has been working with the Township regarding a text amendment for a truck parking use in the Commercial Zoning District. He added that the draft of the text amendment has gone back and forth between Paul Steve & him for awhile and are asking the Board to authorize the advertisement of a Public Hearing on December 14th, and to authorize the advertise for the adoption of the Text Amendment at the December 14th meeting.

After a discussion regarding the text amendment, Dennis Firestone made a motion seconded by Gary Longenecker to authorize Atty. Bametzreider to advertise that the Public Hearing for the proposed text amendment will be held on December 14th at 6:00 p.m. All approved.

Dennis Firestone made a motion seconded by Kerry McCrary to authorize the Solicitor to advertise the notice for the potential adoption of the Ordinance at the Board of Supervisors meeting on December 14th. All approved.

RESOLUTION #9-2022 – FOR ACT #57, REAL ESTATE TAX WAIVER REQUEST

Atty. Bametzreider explained that this is a new amendment to the tax code that is mandated to be adopted by January 9, 2023. As previously explained, Atty. Bametzreider said that this Act 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. Dennis Firestone made a motion seconded by Gary Longenecker to adopt Resolution #9-2022. All approved.

NEW BUSINESS

APPROVE TO ADVERTISE THE PUBLIC NOTICE FOR THE 2023 UNION TOWNSHIP BUDGET

Dennis Firestone made a motion seconded by Kerry McCrary to approve the advertisement of the public notice for the 2023 Budget. All approved.

APPROVE THE RENEWAL CONTRACT FOR THE TREASURER BOND WITH H. A. THOMSON COMPANY

Dennis Firestone made a motion seconded by Kerry McCrary to approve the renewal contract for the Treasurer Bond with H. A. Thomson Company for 2023 in the amount of \$3,030.00. All approved.

APPROVE THE GROFF TRACTOR EQUIPMENT QUOTE FOR 2023 CASE 621g FRONT WHEEL LOADER IN THE AMOUNT OF \$158,000 WITH TRADE.

Brent McFeaters said there is an issue with the Township's Front Wheel Loader which is blowing blue smoke. He said Bryan Michael and himself visited a few locations that handle the equipment and reported back to the Board with their findings. The quote for the Case 621g is \$158,000 with the trade in, and they will be giving us \$47,000 for the loader as a trade in. He noted that the price of the new loader was \$205,000 but will come down to \$158,000 with the trade in. Brent added that this is budgeted for next year and asked the Board for a motion. Jim Darkes asked if the loader has to be bid, but Brent said it is through Co-Stars. Kerry McCrary asked what the problem is with the existing loader. Bryan said it's a 1998 and is ready to blow up. A discussion was held about how much the equipment gets used and Bryan Michael said it gets used very hard. Dennis Firestone made a motion seconded by Gary Longenecker to authorize the purchase of the 2023 Case 621g Front Wheel Loader in the amount of \$158,000.00 with the trade. All approved.

APPROVE THE JOHN DEERE QUOTE FOR A 2023 324G II SKID steer in the amount of \$31,719.69 WITH TRADE

Brent said this is a similar situation where he and Bryan visited several locations and got a quote for a quote for a 2023 324G II Skid Steer and the reason they are looking at purchasing these new pieces of equipment now is because they recently sold the truck for \$55,000.00, still have \$50,000 in ARP funds. Kerry McCrary pointed out that the Township also spent \$175,000 on the new dump truck and said he would like that to included in the figures.

A lengthy discussion was held regarding the value of the Township's Bob Cat and its performance for the type of work that it's used for. Jim Darkes asked about the trade in process and if the equipment being traded doesn't have to be advertised publicly because you'll get a fairer market value and give everyone an opportunity and it seems like the Township is crossing the line a little bit with trading it in with a dealer.

Atty. Bametzreider when you are selling personal property, the Second-Class Township Code does require that personal property be put out for bid. Dennis Firestone said he disagrees because a trade in is not considered a sale and does not have to be advertised to the public. A lengthy discussion was held regarding the matter and Atty. Bametzreider said he would recommend that the Board take conditional action based on his review of the Second-Class Township Code and if he finds case laws that indicates that you can't do it, the Board could withdraw the action.

Dennis Firestone made a motion seconded by Gary Longenecker to purchase the Skid Steer pending Paul's determination. Kerry McCrary voted nay. Motion carried. Dennis Firestone noted that the same condition will apply to the previous purchase based on Atty. Bametzreider's determination.

APPROVE THE EAGLE TRUCK EQUIPMENT INC. QUOTE FOR 8 RECYCLING CONTAINERS IN THE AMOUNT OF \$64,020.00

Brent McFeaters explained that the Township's recycling containers are rusting out and Amy of the GLRA recommended purchasing from Eagle Truck Equipment which is part of Costars and will be paid out of the Recycling Fund of which 90% will be reimbursed back to the Township next year. Dennis Firestone made a motion seconded by Gary Longenecker to approve the purchase of the 8 recycling containers from Eagle Truck Equipment in the amount of \$64,020.00.

BILLS PAYABLE

Dennis Firestone made a motion seconded by Gary Longenecker to pay the bills in the amount of \$104,528.28 from the General, Recycling, Liquid Fuels Street-Light, Payroll Funds and ARP Funds. All approved.

DATE OF NEXT PLANNING COMMISSION MEETING

Wednesday, December 7, 2022- 7:00 PM

DATE OF NEXT LICKDALE TREATMENT PLANT MEETING

Wednesday, December 14, 2022 - 6:30 PM

DATE OF NEXT BOARD OF SUPERVISORS MEETINGS

Wednesday December 14, 2022 - immediately following the Lickdale Sewer Meeting

ADJOURNMENT

With no further business or comments, the meeting was adjourned at 7:48 p.m.

Respectfully submitted,

Elizabeth Krause
Recording Secretary