

February 8, 2023  
Lickdale, PA

The Union Township Board of Supervisors met in regular session on Wednesday February 8, 2023. The meeting was held at the Municipal Building, 3111 SR 72, Jonestown, PA.

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

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  
Sgt. Matthew Klein, PA State Police  
Twelve (12) Residents

#### PUBLIC COMMENTS

Nathan Carpenter of 110 Fisher Avenue explained to the Board that the Jonestown Memorial Day Parade is schedule for Monday, May 29<sup>th</sup> and will run the same route as last year (setting up in the Lebanon Area Free Church parking lot and using Shepherd Street and heading right over the Jonestown Bridge) and asked the Board for their approval. Brent McFeaters, Township Manager added that last year they provided a certificate of insurance which would be required again this year. After a brief discussion, Dennis Firestone made a motion seconded by Kerry McCrary to approve the use of Shepherd Street to Jonestown Road Bridge for the Memorial Day Parade on May 29<sup>th</sup> contingent upon receipt of the Certificate of Insurance. All approved.

#### APPROVE BOS MINUTES – January 11, 2023

Kerry McCrary made a motion seconded by Gary Longenecker to approve the minutes from the January 11, 2023 meeting. All approved.

#### APPROVE FINANCIAL REPORT

Dennis Firestone 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 57 incidents in Union Township including a fatal accident and two sexual assaults that were reported in the Township. Chief Farneski noted that starting in March there will be more traffic enforcement, and that speed was a major factor in the recent fatal accident on State Route 72. Kerry McCrary asked Chief Farneski if the Township is getting paid for the parking tickets that are issued and if anyone is contesting the tickets. Chief Farneski said

occasionally a ticket is contested, but he doesn't think we lost any of the contested cases. He added that if a ticket is not paid within ten days a state citation is issued and if that is not paid, a warrant is issued for arrest. Larry Herr said there is a problem with someone riding a "crotch rocket" that traveling at 140 mph on Moonshine Road and the surrounding area and he is concerned that someone will eventually get killed especially if they hit a deer and any oncoming traffic can't stop. Chief Farneski said they will do their best to patrol the area, but it's very difficult to catch them because they can't pursue them too far.

**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**

**Organize**

The Planning Commission Organized and kept the same officers for 2023 as they had in 2022:

Chairman – Dave Yavoich

Vice Chairman – Karl Hinkle

Secretary – Dave Matterness

**Old Business**

1. Home 2 Suites Land Development Plan

The Planning Commission recommends the Board accept the 90-day time extension as granted in Chrisland Engineering's letter dated 1/30/22 which also stated that they will get the plan updated for review in the near future. No other action was taken, and the plan was tabled until the March meeting. Dennis Firestone made a motion seconded by Kerry McCrary to accept the 90-day time extension as granted in Chrisland Engineering's letter dated 1/30/22. All approved.

2. Miller Bed & Breakfast

The Planning Commission recommends the Board accept the 90-day time extension as granted in Chrisland Engineering's letter dated 1/30/22. It was also noted that the plan has been delayed mainly due to the HOP and the owners are in the process of securing the letter of credit. No action other action was taken, and the plan was tabled until the March meeting. Dennis Firestone made a motion seconded by Kerry McCrary to accept the 90-day extension as granted in Chrisland Engineering's letter dated 1/30/22. All approved.

3. 19 Silvertown Road Minor Subdivision Plan

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

4. Collins Self Storage, LLC Preliminary/Final Land Development Plan

There has been no activity on this plan, but it was noted that the developer may put the plan on hold and might just ask for Preliminary Plan approval at this time due to costs being higher than anticipated. No action was taken, and the plan was tabled until the March meeting.

5. Derr/Prokop Minor Subdivision Plan

Since all items in Steve Sherk's December 5<sup>th</sup> comment letter have been satisfied, the Planning Commission recommends the Board approve the plan. Dennis

Firestone made a motion seconded by Kerry McCrary to approve the Stormwater and the Land Development Improvements Agreement. All approved. Dennis Firestone made a motion seconded by Gary Longenecker to approve the Derr/Prokop Subdivision Plan. All approved.

#### New Business

1. Lickdale Associates, LP – Lickdale Tractor Trailer Parking Lot – Request for Waiver from Land Development Approval

The Planning Commission recommends the Board approve the waiver to the land development process as requested in David Tshudy's letter dated 1/24/23. (There were four "yes" and 1 "nay" votes)

Atty. David Tshudy of Troutman Pepper explained to the Board that the proposed site for the truck parking facility fronts Old Forge Road and is behind Loves Truckstop. He noted that the applications for NPDES and stormwater management plan approvals are being submitted to the appropriate agencies but as contemplated by Section 8.B.20.h. of the Union Township Zoning Ordinance and Section 8.02 of the Union Township Subdivision & Land Development Ordinance, Lickdale Associates, L.P. is requesting a waiver from major land development approval for the proposed development since no buildings are proposed on this lot. He pointed out that the plans do demonstrate compliance with the applicable ordinances and the stormwater management plan meets the requirements of the state and local regulations and will still meet the requirements of the Subdivision and Land Development Ordinance. In lieu of the submission, process, and approval of a major land development plan for the proposed development and use, he added that his client is offering a contribution to the Township in the amount of \$150,000.00 which is intended to offset the Township's costs related to its planned off-site roadway improvements and since no structures are proposed on the site he asked the Board to waive the land development approval process. He added that his client will also cover all the Engineer and Attorney related fees and will also provide financial security.

Atty. Bametzreider said the Ordinance does provide for this waiver and the plan will still go under the engineer and zoning officer review. Steve Sherk said that waiving land development is not contrary to the Municipal Planning Code and all protections will be provided. After a brief discussion, Dennis Firestone made a motion seconded by Kerry McCrary to approve the waiver to Land Development for the Lickdale Associates Tractor Trailer Parking Lot. All approved.

#### ZONING OFFICER REPORT – LIZ KRAUSE

Liz Krause, Zoning Officer reported that five permits were issued totaling \$4,014.00 and \$2,122.86 was received in reimbursement of fees.

#### Enforcement Issues

We received a complaint about a cut-down tree and its debris that was laying on the property at 3065 SR 72. I contacted the property owner who said the company he originally contracted to remove the tree has backed out, but he would take care of it as soon as he could get the necessary equipment to remove the tree himself. The property was brought into compliance the following weekend.

A complaint was filed regarding uncontained garbage and many other miscellaneous items being scattered throughout the property at 37 Hoover Drive. A certified letter will be sent to the property owner regarding the violations prior to enforcement action.

I received a complaint about ordinance violations on the property located at 37 Hoover Drive. I am in the process of putting together a letter to send to the property owner.

#### ROAD FOREMAN REPORT – Bryan Michael

Bryan Michael reported that they have been busy cleaning up and plowing snow and most recently have been working on the concrete at the Recycling Center. Brent McFeaters, Township Manager added that the Township purchased eight new recycling bins and the Township will received 90% back from the State.

#### ENGINEERS REPORT – STEVE SHERK, TOWNSHIP ENGINEER

1. Ridge Road Culvert Replacement. Work is substantially completed. We issued a Certificate of Substantial Completion on January 3<sup>rd</sup> along with a punch list of items to be completed or corrected prior to final payment. See letter dated February 1, 2023, recommending approval of Application for Payment No. 3. Dennis Firestone made a motion seconded by Gary Longenecker to approve Payment No. 3 to A. H. Moyer in the amount of \$9,482.61. All approved.
2. Sand Siding Road – Phase 2. Work is substantially completed. CPA Pavement Services completed all construction related punch list items. However, CPA must still provide several contract closeout documents, including the statement of surety company and an updated Schedule of Values which breaks out materials, equipment, and labor costs. Upon receipt of these closeout documents, the Township can release final payment which was previously approved conditioned upon completion of the punch list items. After final payment is issued to CPA, we will submit the DGLVR grant reimbursement request and project completion report Lebanon County Conservation District for processing.
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) grant application (see item 4). 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. Due to reported supply chain issues, the Township should consider requesting up to a 12-month time extension from PennDOT for construction completion.
4. Statewide Local Share Account (LSA) Grant. We submitted a Local Share Assessment (LSA) grant application on behalf of the Township in March 2022 proposing to improve the intersection of Fisher Avenue, Old Forge Road, and the I-81 NB ramp. This grant funding would only cover work within the intersection proper (traffic signal work, restriping, etc.) and would not include any 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. According to Senator Gebhard, the Township's grant request will be fully funded in the amount of \$73,001. However, the official grant awards are not expected to be announced until after the Commonwealth Financing Authority Board upcoming meeting in March.
5. Automated Red Light Enforcement Transportation Enhancements (ARLE) Grant Program. We received official notice on January 20<sup>th</sup> from PennDOT that the Township's

grant application was not selected for funding. PennDOT indicated its decision was not due to a negative perception of the project or its merits, but rather a reflection on the number of quality applications received and the limited funding available.

6. Quartermaster Road Culvert Replacement. The Notice to Proceed letter was issued to Ankiewicz Enterprises, Inc. on December 16<sup>th</sup>. A pre-construction meeting was held on January 5<sup>th</sup>. Ankiewicz expects to start work the week of February 13<sup>th</sup> and complete the project in about a month's time except for the final wearing course paving, which will be scheduled for early Spring after the asphalt plants start producing wearing course material.
7. Maple Lane / Jonestown Road Intersection Improvements Project. We completed a design to widen this intersection so that tractor trailers can make the turn more easily. It is our understanding that the Township will perform the excavation work in-house and the paving work will be incorporated into the 2023 paving contract.
8. 2023 Paving Projects. We are nearly finished with bid documents for the 2023 paving project, which includes resurfacing Jonestown Road and correcting a bump at the approach to the I-81 bridge on AWOL Road. We are advertising the project this week with the bid opening scheduled for the morning of March 8<sup>th</sup> before the Supervisors' meeting.

#### APPROVE THE RIGHT OF ENTRY LICENSE AGREEMENT WITH THE COMMONWEALTH OF PA

Lastly Steve Sherk explained to the Board that the Township has a construction easement on the Gap's land beyond the right of way and asked the Board to sign the Right of Entry License Agreement which is through the Dept. of Military Affairs for the Quartermaster Road Culvert crossing. The Agreement is retroactive for 1/11/23.

#### STATE POLICE REPORT

Sgt. Matthew Klein reported they had 141 calls for service, 156 traffic stops, 3 DUI's, 12 criminal offenses, 25 citations written, 27 criminal complaints of people being arrested, a total of 116 violations and 8 crashes in January. He asked if the Cleona Borough Police provided any statistics for 2022 for Union Township and Brent McFeaters said he will send Sgt. Klein the report tomorrow.

#### SOLICITOR'S REPORT – PAUL BAMETZREIDER

##### ORDINANCE # 185 – EUGENE MEASE REZONING FOR PROPERTY LOCATED AT 3219 STATE ROUTE 72

Atty. Bametzreider said the Ordinance # 185 which is a rezoning ordinance in response to a petition filed by the landowner, Eugene Mease to rezone the property located at 3219 State Route 72 from Agricultural Zoning to Industrial Zoning. He explained that this 5.89 acre parcel abuts up to Mr. Mease's 12-acre Industrial Zoned property. This is a meeting to consider adoption of the Ordinance. Atty. Bametzreider emphasized that this is not a public hearing as the Public Hearing was held on November 9, 2022 pursuant to public notice after notice to County Planning, the Township Planning Commission and the notice that was advertised previous to that public hearing. Because this is a public meeting and not a public hearing, the Public Hearing was the time for people to voice their opinions and the Township has been listening to these opinions for several months. The possible adoption of this Ordinance was advertised in the *Lebanon Daily News* on January 17<sup>th</sup> for the Board to deliberate as to whether or not they want to adopt the Ordinance. He reiterated that the

Board has listened to the opinions of the residents at the duly advertised Public Hearing which was held on November 9<sup>th</sup> and also at the past few meetings after the Hearing and that no additional comments will be taken at tonight's meeting regarding this rezoning. Nathan Carpenter 110 Fisher Avenue said he wanted to comment on the Rezoning, but Chairman Firestone did not open up the floor for public comment. .

Dennis Firestone added that he doesn't want to rehash comments from before, but Kerry McCrary said he disagrees and said people should be able to comment. Dennis Firestone said those people should have attended the Public Hearing. Gary Longenecker asked if Mr. Firestone wanted to open the floor for comment, but he said not. Thomas Phelan of 11 Mayflower Drive asked if there is a copy of the Ordinance that has been shared with the public and Atty. Bametzreider confirmed that a copy of the Ordinance was previously shared with the public.

Gary Longenecker said that he doesn't feel this 6-acre property being added to the 12 acres will make that much of a difference and pointed out that the developer said he will work with the neighbors with screening and changing the location of the driveway. Marty Finlan of 3204 State Route 72 said there will still be noise and lights across the street on the property that is already zoned Industrial but if the 3219 SR 72 is not rezoned, the area will stay smaller and will be limited to what would be allowed there, and that his property will be affected the most by the rezoning and the warehouse proposal. Gary Longenecker commented that the Township previously granted Mr. Finlan variances for the use on his property, and Valarie Finlan remarked that they complied with all Township's requirements and beautified their property, but this project will devalue their property. Gary Longenecker said that back in 2004 when the Comprehensive Plan was adopted, he was in favor of rezoning the properties in this area and he hasn't changed his mind because he doesn't feel he can tell people not to do it. Gary Longenecker made a motion to adopt Ordinance # 185 to rezone 3219 State Route 72 to Industrial.

Dennis Firestone said he has been kicking the rezoning around for some time and he believes the property owner should be able to do what he wants with his property. Kerry McCrary asked if Mr. Firestone would like if a Board allowed someone to put something next to his property that could interfere with his life, but Mr. Firestone said it's always a possibility because the Boards always change because everyone has different viewpoints and when Swift moved into the neighborhood, it changed everything. Dennis Firestone said he will second the motion made by Gary Longenecker to adopt Ordinance # 185 and rezone 3219 State Route 72 to Industrial. Atty. Bametzreider asked if there was any further discussion and Marty Finlan questioned how many people it will take for the Board to vote against a rezoning. Dennis Firestone pointed out that there have been very few people against the rezoning, and Kerry McCrary said he thought Mrs. Shuey was against the rezoning, but Mrs. Shuey clarified that she said she did not want to live next door to a warehouse and that she is in favor of preserving farmland. Atty. Bametzreider said a motion was made and seconded to adopt Ordinance # 185 to rezone 3219 SR 72 to Industrial. There were two votes in favor of adopting Ordinance #185. Kerry McCrary voted Nay. Motion carried.

## NEW BUSINESS

TIRE COLLECTION – APRIL 14<sup>TH</sup>, 2023 FROM 8:00 A.M. TO 4:00 A.M. AT  
LEBANON EXPO CENTER

Brent McFeaters Township Manager informed the Board that the Annual Tire Collection will be held on Wednesday, April 14, 2023 from 8:00 a.m. to 4:00 p.m. at the Lebanon Expo Center located at 80 Rocherty Road, Lebanon PA. He explained that Preregistration opens February 25 and closes April 14<sup>th</sup> and the preregistration forms must be submitted after February 25<sup>th</sup>. Mr. McFeaters noted that last year the Township contributed \$650.00 to the tire collection and asked the Board to approve an amount for this year's collection. Dennis Firestone made a motion seconded by Gary Longenecker to contribute \$650.00 to the Tire Collection. All approved.

**APPROVE QUOTE FROM LANE ENTERPRISE FOR 180' OF PIPE IN THE AMOUNT OF \$3,890.00**

Dennis Firestone made a motion seconded by Kerry McCrary to approve the quote from Lane Enterprise for 180' of pipe and the freight charge in the amount of \$3,890.00. All approved.

**APPROVE COUNTY AID APPLICATION FOR 2023, FUNDS BEING USED FOR ROAD SALT**

Dennis Firestone made a motion seconded by Kerry McCrary to approve the County Aid Application for 2023 which will be using the funds of \$3,099.00 for road salt. All approved.

**OLD BUSINESS – None**

**BILLS PAYABLE -**

Dennis Firestone made a motion seconded by Gary Longenecker to pay the bills in the amount of \$298,507.80 from the General, Recycling, Liquid Fuels, Street Light, Payroll and ARP Funds. All approved.

**DATE OF NEXT PLANNING COMMISSION MEETING:**

Wednesday, March 1, 2023 - 7:00 PM

**DATE OF NEXT LICKDALE SEWER TREATMENT PLANT MEETING:**

Wednesday, March 8, 2023 - 6:30 PM

**DATE OF NEXT BOARD OF SUPERVISORS MEETING:**

Wednesday, March 8, 2023 – Commencing right after the Lickdale Sewer meeting.

**ADJOURNMENT**

With no further business or comments, the meeting was adjourned at 7:36 p.m.

Respectfully submitted,

Elizabeth Krause  
Recording Secretary