

January 11, 2023
Lickdale, PA

The Union Township Board of Supervisors met in regular session on Wednesday January 11, 2023. The meeting was held at the Municipal Building, 3111 SR 72, Jonestown, PA.

Dennis Firestone called the meeting to order at 6:51 p.m.

Present:

Dennis Firestone, Chairman
Kerry McCrary, Vice Chairman
Gary Longenecker, Secretary
Brent McFeaters, Township Manager
Bryan Michael, Road Crew Supervisor
Paul Bametzreider, Township Solicitor
Steve Sherk, Township Engineer
Chief Farneski – Cleona Police Department
Twelve (13) Residents

PUBLIC COMMENTS - None

APPROVE TEXT AMENDMENT MEETING MINUTES – December 14, 2022

Dennis Firestone made a motion seconded by Gary Longenecker to approve the Text Amendment meeting minutes. All approved.

APPROVE BOS MINUTES – December 14, 2022

Kerry McCrary made a motion seconded by Gary Longenecker to approve the minutes from the December 14, 2022, meeting. All approved.

APPROVE ORGANIZATION MEETING MINUTES – January 3, 2023

Dennis Firestone made a motion seconded by Kerry McCrary to approve the Organization meeting minutes. All approved.

APPROVE FINANCIAL REPORT – December Financials

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 82 incidents in Union Township. Chief Farneski mentioned about a family stabbing attempt and a robbery in the Township. He also mentioned the Borough was receiving a new cruiser and adding a new officer to the force. Brent McFeaters had mentioned to Chief Farneski that the 25 mph signs were installed in King's Plantation.

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 REPORT – BRENT MCFEATERS

No meeting was held in January 2023.

ZONING OFFICER REPORT – BRENT MCFEATERS

Elizabeth Krause was not in attendance she will give the Zoning Officer's report next month.

ROAD FOREMAN REPORT – Bryan Michael

Bryan Michael reported that they replaced the 25 mph signs in King's Plantation, filled in potholes on Tomstown Road and picked up Christmas trees.

ENGINEERS REPORT – STEVE SHERK covered the following items.

RESOLUTION 3-2023 ESCALATOR CLAUSE

1. Dennis Firestone made a motion seconded by Gary Longenecker to adopt Resolution 3-2023, which helps guard against inflated bids because the contractors are protected if the Asphalt Price Index increases by more than 10% between the bid opening and actual construction. It also gives the Township the advantage of a rebate if the API decreases by more than 10%. All approved.
1. Ridge Road Culvert Replacement. Work is substantially completed. We issued a Certificate of Substantial Completion on January 3rd along with a punch list of items to be completed or corrected prior to final payment.
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 warranty letter, statement of surety company, certified payrolls for PA Prevailing Wage compliance, etc. 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 prepare the DGLVR grant reimbursement request and project completion report and submit to 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) and the Automated Red Light Enforcement Transportation Enhancements (ARLE) grant applications (see items 4 and 5 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. 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 was fully funded in the amount of \$73,001. However, we have not received official written notice of the grant award.
5. Automated Red Light Enforcement Transportation Enhancements (ARLE) Grant Program. This is 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 \$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 was expected to announce the grant awards sometime last month, but we have not received any updates.
6. Quartermaster Road Culvert Replacement. The Notice to Proceed letter was issued to Ankiewicz Enterprises, Inc. on December 16th. A pre-construction meeting was held on January 5th. Ankiewicz expects to start work in early February 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 the topographic survey and base mapping for this project. The project is necessary to widen the shoulder and regrade the steep bank on the east side of the intersection so that tractor trailers can make the turn more easily. There have been several incidents recently, including one where a careless driver rolled a tractor trailer.
8. 2023 Paving Projects. We are preparing bid documents for the 2023 paving project, which includes resurfacing Jonestown Road. We expect to have the project ready to bid later this month and will advertise for an early March bid opening so that the bid can be awarded at the March 8th Supervisors' meeting.

SOLICITOR'S REPORT – PAUL BAMETZREIDER

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

Atty. Bametzreider said the first item he has to discuss is Ordinance #185 which is the Eugene Mease Rezoing Petition to rezone the property at 3219 State Route 72 from Agricultural to Industrial.

Mickey Thompson, Director of Land Development for Burkentine Builders said they have prepared a preliminary plan to determine what could be put on the property and came up with a site plan (which he pointed out is just a sketch plan of the general concept) and said at this time they are not asking for any type of plan approval but are asking for a Zoning Map change to allow for the extension of the Industrial use. He pointed out that the use they are proposing is permitted on the property south in the Industrial District so they are not asking for any use variance but are simply asking for the lot line to be moved so the industrial use can continue through the whole property which makes perfect sense. He added that their overall plan will have to be more specific in order to meet the criteria of the Subdivision & Land Development Ordinance. .

Mr. Thompson noted that the Shuey's who own the neighboring property at 30 Bohns agree with their proposal to bring the Industrial zone to their property line and there is an ongoing discussion about the future of their tract, but nothing official has been decided, and at this time all they are doing is asking for approval of the extension of the Industrial Zone. He said his company is currently building a warehouse for their own use but have not yet built any other warehouses and this will be their first real industrial site that they will look to take to market. He said he knows that warehouses are regimented and that this is the best use for this property but at this point they don't have a tenant for this site.

Emily Brown, Commercial Real Estate Agent for Burkentine said even though they don't know the user of the building, how many trucks, how many employees there will be, or where the parking will be, it might be best to market it as a two-user facility, noting that they will do a comprehensive market study to help identify what the traffic counts could be. She added that they are just proposing a continuation of the use and will be able to identify more information when they get into the land development plan process.

Gary Longenecker said there was a previous discussion about the building being shifted since there isn't anything across from the Shuey property except a field that comes out there so it really wouldn't be imposing on the other side at that location. Karl Hinkle of 49 Acorn Lane said it all depends on who owns the field Mr. Longenecker is talking about, pointing out Mr. Longenecker is not the owner of that field.

Tim Shuey of 30 Bohn's Lane said he is not opposing the rezoning. Mr. Thompson said at the November 9th Hearing there was a discussion about the proposed entrance to the facility being directly across from the Finlan property at 3204 State Route 72 and reiterated that this is something that can be discussed to make it less intrusive such as cutting down on the noise, the headlights from the trucks and making sure the site is not accessible certain hours of the night.

Kerry McCrary pointed out that there are several more homes north of Tyco and by adding another warehouse with at least 35 dock spaces will create a minimum of 20 or more trucks a day equaling 40 trips (20 in and out) and anyone whose been coming to the meetings since he's on the Board, knows he's against generating any more traffic in that area. Mr. Thompson pointed out that most of the area is already zoned Industrial, but Kerry said that he feels the area where Swift Trucking is located should never have been zoned Industrial. He added that the proposed driveway for the warehouse looks like it will be very close to the Finlan's house and he doesn't know how they will avoid shining lights into the house and he knows he wouldn't like that if it were his property and initially people thought

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A lengthy discussion was held by the Board about the pros and cons of having warehouses in the Township and not rezoning any property to suit any one person, but to make it suitable for the Township as a whole. Mr. Thompson said their goal is to make sure their plan is the least intrusive to everyone so they can leave a positive footprint with their name.

Atty. Bametzreider explained that the Public Hearing for this Rezoning Petition was held in November and this is just deliberation between the Board at a Public Meeting as to how they want to proceed with the Ordinance to rezone the property. After a brief discussion, Dennis Firestone made a motion seconded by Gary Longenecker to authorize Atty. Bametzreider to advertise that Ordinance #185 will be considered for adoption at the February meeting.

Dennis Firestone made a motion seconded by Gary Longenecker to readvertise for Ordinance #185, so a decision can be made at the next BOS meeting. All approved.

RESOLUTION 1-2023 APPOINT A CPA

Dennis Firestone made a motion seconded by Gary Longenecker to adopt Resolution 1-2023, to appoint Garcia, Garman, and Shea as the auditor for the year 2022. All approved.

RESOLUTION 2-2023 NLFES WORKMEN'S COMP PERCENTAGES

Kerry McCrary made a motion seconded by Gary Longenecker to adopt Resolution 2-2023, NLFES Workmen's Comp percentage. All approved.

WILLIAM VARVEL LEAN – CLAIM NUMBER 2018-00361

Must be renewed in 20 years. That renewal date is February 20, 2038.

JOHN AND LINDA LIGHT PROPERTY

Paul is still waiting on the Courts to finalize a decision.

NEW BUSINESS – None

OLD BUSINESS – None

BILLS PAYABLE -

Dennis Firestone made a motion seconded by Kerry McCrary to pay the bills in the amount of \$272,617.43 from the General, Recycling, Liquid Fuels, Street Light, Payroll and ARP Funds

if the developer purchased the Shuey property and came out on Bohn's Lane & 72, maybe that is something that is doable but so far that is not the case and his main concern is the traffic. Kerry also pointed out that four members of the Planning Commission and an alternate member all recommended that the Board does not rezone this property. Mr. Thompson said it was his understanding that the Planning Commission did recommend approval of the rezoning, but Karl Hinkle said he is Vice-Chairman of the Planning Commission and all of the members of the Planning Commission were against the rezoning of this parcel. Mr. Thompson said the Township has a sympathetic developer in Birkentine Builders and they are willing to listen to help alleviate some of the concern of the neighbors and the community.

Karl Hinkle said the developer would have to put up a smaller warehouse if 3219 State Route 72 is not rezoned to Industrial. His mother in-law lives across the street from this property and the field that Mr. Longenecker referred to is her field and asked who would want to buy that lot with all the trucks shining their lights into that property. Mr. Thompson noted that he might have a problem with a member of the Planning Commission having a relative that lives across the street from the property being rezoned because not only did the Planning Commission vote against the rezoning this property, but Mr. Hinkle may have a personal interest in the property as well. Mr. Hinkle said he does not have any personal interest, nor does he have any control of his mother-in-law or her estate. Dennis Firestone said he can understand what both Mr. Hinkle and Mr. Thompson are saying, and Atty. Bametzreider said that the Board can take that into consideration and that any recommendation from the Planning Commission is not binding and the Board can act independently of the Planning Commission's recommendation.

Gary Longenecker said at the time the Planning Commission voted, they didn't feel like they had enough information to recommend approval of rezoning the property. Dennis Firestone asked what the developer will do if the property does not get rezoned and Mr. Thompson said they will probably not move forward with the contract to purchase the property. Atty. Bametzreider commented that one way or another the zoning on that property needs to be addressed and Gary Longenecker noted that he was in favor of rezoning the properties up to Bohn's Lane & Monroe Valley Drive to Commercial/Industrial when he was helping with the Comprehensive Plan before it's adoption in 2004.

Marty Finlan of 3204 State Route 72 said he knows they are saying they will try to make things non-intrusive to his property, but he knows that the driveway to the warehouse will have to be placed directly across the street from his house. Once the warehouse is built, they will shift towards getting the warehouse leased to recoup some of their money because no one will want to rent or buy a warehouse with limits on the hours it can be accessed. Mr. Finlan said it sounds good, but it's not feasible and more than likely the warehouse would operate three shifts with trucks going in and out non-stop. He added that there will be trucks idling as well, and his property is going to be getting the brunt of everything if this development is approved. Mr. Thompson said that the property directly across the street from Mr. Finlan is already zoned Industrial, but Mr. Finlan pointed out, that because of the size of that lot, it limits what can be put in there which would have to be on a much smaller scale.

DATE OF NEXT PLANNING COMMISSION MEETING:

Wednesday, February 1, 2023 - 7:00 PM

DATE OF NEXT LICKDALE SEWER TREATMENT PLANT MEETING:

Wednesday, February 8, 2023 - 6:30 PM

DATE OF NEXT BOARD OF SUPERVISORS MEETING:

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

ADJOURNMENT:

With no further business or comments, the meeting was adjourned at 8:10 p.m.

Respectfully submitted,



Brent McFeaters, Township Manager

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