

WEST LEBANON TOWNSHIP
March 7, 2022

The regular meeting of the West Lebanon Township Board of Commissioners was called to order at 7:00 p.m. by President Harry Fox with the Pledge of Allegiance

The following were in attendance:

Commissioner John Brenner	Treasurer: Julie Clouse
Commissioner Michelle Testerman	Secretary: Antoinette Issis
Commissioner Harry Fox	Maintenance: John Brenner
Commissioner Phylis Dryden	Township Engineer: Mr. Joshua Weaber
	Solicitor: Mr. Paul C. Bametzreider

Michelle Testerman made a motion, seconded by Phylis Dryden and agreed by the Board to approve the minutes as written February 7, 2022.

Phylis Dryden stated it took a while for her to read through the minutes due to them being very detailed.

VISITORS' ADDRESS: There were 13 visitors in attendance.

John Gurganus, 1845 Church Street, would like to say how much he appreciates the township employees, commissioners, and everyone else involved with the projects involving the Fire Company, salt shed, and township garage. The township employees have gone way over and above their normal duties they normally perform for the township. John wants to commend them for their work because the township has a good group of guys and the township could not be better off.

Harry Fox stated he appreciates that comment and added onto that with saying three and a half weeks ago the salt shed out there was laying on the trailer in parts. In the bitter cold the guys worked through their lunches and stayed late and their work is appreciated.

COMMITTEE REPORTS:

Treasurer's report: Copies of the report were given to the Board members and available to the visitors in attendance.

Lebanon County Treasurer Delinquent Real Estate Taxes collected are \$496.54 from 1/1/22 to 1/31/22 Municipal (\$469.00), Street Light Taxes (\$27.54).

Total monies in all West Lebanon Township accounts as of February 28, 2022 are \$1,827,305.48.

Michelle Testerman made a motion, seconded by Phylis Dryden and agreed by the Board to accept the Treasurer's report.

POLICE: Chief Tim Knight was late to attend. John Brenner gave the report for the month of February 2022 as follows:

Total Calls for the month	35
Traffic Arrests	15
Criminal Arrests	00
Parking Tickets	00
Faulty Equipment Cards	09

Non-Reportable Incidents	12
Reportable Incidents	17
UCR Crimes	02

Mr. Houser, 2429 Guilford Street, stated above his house, in the apartments on Union Canal Drive, there are kids who are throwing rocks at the houses and vehicles. He stated it was caught on video, however he did not look at it closely yet.

Tina Houser stated it is hard to tell on the video but you can see the kids running back up the hill after throwing the rocks.

Mr. Houser stated Harry Fox's wife saw them throwing rocks.

Chief Tim Knight stated if they have video to call them up and they will review the video and follow up on the issue.

Tina Houser stated in the video you cannot see them throwing the rocks and can just see them taking off after throwing the rocks.

Chief Knight asked if there has been any damage done by the rocks.

Harry Fox stated Sue saw them throwing the rocks and heard them on the back of the Houser car or fence. That was when she told Harry and he told her to tell the Houser's.

Mr. Houser stated he did not see anything on his vehicles and is not sure if they hit his neighbor's vehicles. It is the same kids Mr. Houser called John Brenner about.

Harry stated they are the same kids who were on top of the garage and they went to the second house on Union Canal Drive.

Chief Knight stated if there is any damage to call the police department.

Justin Snyder asked if the police department had any leads on the people riding the four wheelers who hit the guy.

Chief Knight stated they are getting a lot of tips and leads about that. The police department is working around the clock on that and will be able to figure it out.

Justin asked if the police can pursue now that it is an active investigation.

Chief Knight asked what Justin means by pursue.

Justin stated go after them. Does the police department have a piece of equipment that could chase them.

Chief Knight stated no, they have the police cars and that's about it. What the public needs to keep in mind is that when they are out there, they are committing a summary of offenses. The police department needs to be careful on what they do because it could become a liability to the township. If the police are chasing them and they wreck and kill someone that is a liability. Chief Knight knows this is a problem and will especially become a problem during the summer and the police department needs to find a way to address the problem. It is a problem all over, but it is just now starting to become an issue in Lebanon. There is documentaries on these things and is starting to get bad in the area. Last summer the police department was starting to see more of the issue. The police department would be chasing people through West Lebanon, Lebanon, and North Lebanon. The police will attempt to pull them over but will not get into extended pursuits. Gary Redinger stated his wife was coming home one night down Lehman Street and when she got to 16th Street, three of them flew out in front of her and she almost hit one of them. They cut over through on the grass area and went over the hill to 18th Street to Scull Street. His wife started following them on Scull Street, and at the end of Scull at 20th Street where you have to go to Church Street to come to the other side, they flew through one guy's yard to get to the other

side. When she was coming out of Lehman Street, there was a City of Lebanon cop sitting at the Legend, so she turned around to tell him what had happened. The cops comment to her was that she should have hit them.

John Brenner stated no one in West Lebanon Township should take that advice.

Gary Redinger stated the cop told her they will not chase them because they cannot catch them.

Gary understands that because they go in and out of alleys and everything else.

Chief Knight stated the cop should not have said that to her.

Gary stated she did not get his name but could identify the cop and pull him out of a picture lineup. His wife thinks one of them was a girl.

Chief Knight stated at the end of last summer, there was about 16-20 guys on bikes and four wheelers that he had chased. They ended up turning around and started chasing him since they did not care that Chief Knight had to jump out of the car and backup. Chief Knight lost them behind Fox's Transport since being in a cop car he cannot go where they can go with their four wheelers and motorcycles. It is a problem and the police are working on a good way to address the issue.

SPEEDWELL FIRE COMPANY:

Billy Testerman gave the following report for February 2022 as follows:

2 calls for the month with 9 personnel for 3 hours and 21 minutes.

Fire Police responded to 0 calls for the month.

Training for hours for the month: 22 personnel for 28 hours and 29 minutes.

Harry Fox swore in two fire police Michelle Testerman and Tina Houser.

HIGHWAY: Phylis Dryden stated nothing to report.

WATER: Phylis Dryden stated the daily average for the month was 30,214 gallons per day (GPD). The water tank is full. The total City of Lebanon Authority (COLA) water was zero (0).

SEWER: Phylis Dryden stated nothing to report

STORM SEWER/MS-4: Phylis Dryden stated nothing to report. Phylis Dryden asked if Josh Weaber has anything to report.

Josh Weaber stated under the Raponi property for the water tower, he has the plans for the retaining wall in his possession. They are working on a schedule and a date for him to get started. The first step for him will be to get the retaining wall up and stabilize the bank. Next North Lebanon Township will require him to get some form of planning done. Josh is trying to get a start date for that.

Josh Weaber stated under sewer the Chapter-94 report was due last week to the engineer and is due to DEP at the end of the month. Josh will have that to them and to the township on March 8, 2022.

TOWNSHIP BUILDINGS: Michelle Testerman stated new township garage is up, floor is being poured on 3/7/2022, main doors, heaters, lights still did not arrive due to being backordered.

Harry Fox asked about the fire department progress.

John Brenner stated they will start painting the fire department tomorrow on 3/8/22. Once the walls are painted, they will start putting up the cabinets. The refrigerator and stove have not arrived yet. The heaters have arrived and just need picked up from Conestoga. Right now the township does not have room to store stuff so they are being left there until the township is ready to install them.

RECREATION: Michelle Testerman stated nothing to report.

PUBLIC SAFETY/CODE ENFORCEMENT/SANITATION: John Brenner stated nothing to report.

John Brenner stated everyone heard what Chief Knight stated that the police are working on the cases. The township is trying to put some stuff together but it will likely get worse before it gets better.

Julie Clouse asked when street sweeping starts.

John stated the first Wednesday in April.

GREEN WASTE/RECYCLING: John Brenner stated nothing to report.

Zoning:

Purchase Certificates issued as follows:

No. 01-2022 issued to Capital Settlement Group for the property located at 2303 Guilford Street, Lebanon, PA 17046. Seller's Name: Donald Lyter Jr. Purchaser's Name: Ivonne Santiago & Victor Santiago-Munez.

No. 02-2022 issued to Fitzgibbons Law Firm for the property located at 433 N. 22nd Street Lebanon, PA 17046. Seller's Name: Paul & Rosa Platt. Purchaser's Name: Alexander Johnson.

John Brenner asked the commissioners to double check and calculate a zoning permit. The project cost is \$91,500. According to the 2022 fee chart the cost is \$20.00 for up to the first \$2,500.00 plus \$0.03 for each additional \$1,000.00.

All commissioners came up with the same amount of \$91,500 minus \$2,500 totaling \$89,500. For a balance of $\$89,000 * \$0.03 = \$2,670.00$. Adding the \$20.00 to that total would make the zoning permit cost \$2,690.00.

FINANCE: John Brenner made a motion, seconded by Phylis Dryden, and agreed by the Board to pay all the bills as submitted.

OLD BUSINESS

Paul Bametzreider stated there is an agreement regarding dealing with the water tank between the property owner and North Lebanon Township. It was submitted to the court for approval and now we are waiting to obtain an order from the court on that.

John Brenner stated thank you for the update.

John Brenner made a motion, seconded by Michelle Testerman, and agreed by the board to adopt Resolution 2022-02 to petition the Court of Common Pleas to appoint a commissioner for the vacant position.

John Brenner asked Paul Bametzreider if he will take care of that for the township.

Paul stated yes and needs someone to sign a verification, which is basically someone from the township saying that the Resolution was adopted. The resolution will get attached to the petition that is filed with the court and that will get submitted to the court. Paul is not sure how the township will proceed since this is not the thing that happens every day.

John Brenner stated this will be the first one in Lebanon County and probably the first one in Pennsylvania.

Paul stated it is probably the first one at least in a long time. Paul imagines that the board will get together with the judge at some point and the judge will want to hear from the board members and solicit some names from the different board members. Paul stated they will make sure that each board member has an equal chance to state their case to the judge and they will let the judge decide. It will be kind of like the Bill Amcs case with the county.

Phylis Dryden stated she was reading the old election law and at one point if there was 3 supervisors and there was a vacancy, the one who was not a supervisor anymore could appoint someone.

Paul stated that is no longer the law.

Justin Snyder asked how much it will cost for taxpayers when the township goes to court.

Paul stated it depends on how easy it is. If there is not a lot of fighting going back and forth and it is an easy process, Paul thinks not a whole lot, maybe about \$1000.

Phylis asked does it take very long for them to appoint a candidate.

Paul stated no if they had an easy time.

Michelle Testerman addressed a few things that were brought up during the February 7, 2022 meeting. First, as everyone is aware the board is at odds in regards to the appointing someone for the vacant commissioner or someone to fill vacancy board position. It was mentioned being oppositional due to the fire house. Michelle is by no means being oppositional and is opposing one person. Michelle nominated numerous viable people, some accepted the nominations and others have not. Every nomination was opposed including Luann Horn who accepted the nomination, who was opposed. Luann was an ideal candidate who has been a long term resident of the township, who is already appointed to the Board of Public Health and Safety. Michelle nominated Skylar Ford, who also accepted, who was opposed. Michelle would like to thank Richard Pflueger because through the entire process, he was the only one who asked "Why he was opposed?" Michelle stated that her reason are not personal but are valid to her, so she felt she had to say, just as much as the rest of the boards reasons for opposing candidates are valid to them. When Michelle brought up some of her reasons, it was asked why people have only come to one person. When things have been brought up through the years, no one listened even with being brought up at meetings. As a commissioner, she wants residents to go to her with questions or valid concerns, as the board was elected to do. The board does not always have to agree with each other, but the board needs to work together for the better meant of the residents and the township. The board is elected to do a job. Michelle brought up what Harry stated, which is the board having done many good things and having a difference in opinion get in the way of the future is not a good business. Lastly, Michelle brought up it was stated this is because of the fire company being shut down. Speedwell Engine was reinstated in April 2018 and has done nothing

to warrant being brought up in a township matter. The fire company has nothing to do with the issue and nothing to do with Michelle's decisions of township business. Michelle is cognitively aware of her dual role and respectfully abstains from voting when it comes to matters relating to the fire company. Michelle stated Richard willingly became the fire company's liaisons when the attorney felt it was needed. He offered help when the fire department felt the commissioners were not listening to them. Michelle strongly encourages anyone who wants to run for commissioner to do so, even more so if a fire company member. Michelle feels like residents should be involved in the community they are here to serve and protect.

Richard Pflueger asked Michelle again why she is opposing him.

Michelle stated she feels that he is rude.

Richard stated that is a personal issue.

Michelle stated it is not a personal issue because he is rude at meetings, even to residents.

Phylis Dryden added that it was brought up and is in the minutes, that Mr. Pflueger's suggested that her opposition to him is because of the fact she applied for the township clerk position and she did not get it. Phylis stated she sent an email and provided a hard copy to Harry, saying Laura Miller was going to do a really good job and she had found another position for herself. Phylis stated she was somewhat embarrassed it was brought up during this process that she applied for a position as township clerk and was denied the position. Phylis stated she wishes that Laura Miller was a resident in West Lebanon Township because she would make a great commissioner.

NEW BUSINESS

Michelle Testerman made a motion, seconded by Phylis Dryden, and agreed by the board to adopt Resolution 2022-03 authorizing John Brenner to apply for a grant towards the purchase price of a sweeper and to fill out appropriate paperwork to transfer the sweeper into the township name. John Brenner abstains.

Harry Fox stated the fees were waived for the resident hit by the four wheeler for a handicap permit.

John Brenner stated the resident who was hit by the four wheeler will need a handicap ramp. Knowing the hardship and the fees for the permits will be minimal for the handicap ramp. That is least the township could do for the guy. He will take the handicap ramp out after he is done with it. Right now he needs the handicap ramp because he is in a wheel chair.

Harry Fox asked if the commissioners should have a motion for waiving the fees.

Mr. Houser asked how long until he is back up and walking.

John stated both of his legs are broken and he had 2 major surgeries done already. He just got home but he is stuck in his house. His buddies had to pick up the wheel chair to get him in his house. A contract will be putting an ADA handicap ramp. John said as long as it meets the requirements it should not be an issue. The little fee will not break the township. The guy did not deserve to get run over so John thinks it is a nice suggestion for the township to waive the fee.

John just wanted it brought up at a meeting so the board is in agreement with it.

Harry asked does the township need a motion for that.

Paul stated yes the board should have a motion.

Michelle Testerman made a motion, seconded by Phylis Dryden and agreed by the board for fees to be waived for permits for resident that got hit by four-wheeler.

Harry Fox asked for a support of hands from residents in attendance to who supports waiving the fees for him. Everyone in attendance was in favor of it.

Harry stated he is lucky he has a job that has insurance.

John stated he has a mortgage, car payment and everything else and he got hit by some goofball.

Michelle state it is tough when being off like that.

John Gurganus asked where this accident occurred?

John Brenner stated in the alley at Scull Street. He heard them out back and went outside and the four wheeler went towards him and hit him.

CORRESPONDENCE

Received checks as follows:

Alarm Permits- 2 at \$20.00 each totaling \$20.00.

Rental Licenses- 6 at \$50.00 totaling \$300.00.

Lebanon County Tax Claim Bureau- \$496.54 for January 2022 municipal taxes.

Turner- \$338.00 to replace water meter and hourly wage for 526 N. 24th Church.

Clarke- \$20.00 for alarm permit.

Rental Licenses (2/17/2022)- 8 at \$50.00 each totaling \$400.00.

Rental Licenses (2/24/2022)- 11 at \$50.00 each totaling \$550.00 and 1 at \$450.00.

Comcast- \$6,817.39 for franchise fee for 2021.

Pennsylvania Department of Transportation- \$25884.45 for Liquid Fuels.

Homesale Settlement- \$75.00 for purchase certificate #03-2022 for 509 N. 22nd Street.

North Lebanon Township- \$979.35 for District Judge (\$568.24) and Public Safety (\$411.11).

Simple Home Settlement- \$75.00 for Settlement for 422 N. 23rd Street.

Rental Licenses (3/3/22)- 14 at \$50.00 each totaling \$600.00.

DJ-52-3-03: \$75.32 for February 2022. Local Ordinance (\$0.00), Title 18- Payable to Municipality (\$75.32).

Received letters as follows:

Greater Lebanon Refuse Authority- received their minutes for meeting held on February 8, 2022.

Skylar Ford- letter expressing interest in commissioner vacancy.

Erie Insurance- Certificate of Insurance for Shuey Excavating LLC.

Ramchen Persaud- request to do a review of water system due to something being wrong and having no leaks in house or basement.

Senator Chris Gebhard- Municipal Leaders Grant and Resource Workshop on April 12 at 8 a.m.

Workshop will feature experts from General Services, PENNVEST, Department of Conservation and Natural Resources, Community and Economic Development, in addition to the Senate Republican Grant Team.

First Aid and Safety Patrol- 2021 emergency response statics for the township.

JBT- standby letter of credit for emergency use only.

Swatara Watershed Association- letter requesting support by providing a proclamation endorsing the Swatara Sojourn for the 32nd Annual paddle and litter cleanup on the Swatara Creek on May 1, 2022.

The next meeting of the West Lebanon Township Board of Commissioners is Monday April 4, 2022 at 7:00 p.m. at the West Lebanon Twp. Bldg., 322 North 22nd Street.

Michelle Testerman made a motion, seconded by John Brenner and agreed by the Board to adjourn the meeting at 7:25 p.m.

Respectfully submitted,

Antoinette Issis, Secretary