

WEST LEBANON TOWNSHIP  
March 6, 2023

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

Phylis Dryden made a motion, seconded by Michelle Testerman and agreed by the Board to approve the minutes as written February 6, 2023.

**VISITORS' ADDRESS:** There were 14 visitors in attendance.

Jon Litz, 2302 Guilford Street, stated that he has two continuing issues from the last time he was at a meeting. In January, he presented the board with a picture of a black vehicle parked at 23<sup>rd</sup> Street and Mifflin Street. The car is still parked illegally every day and if there has been anything to persuade the driver from parking there, it has not worked.

Harry Fox asked Jon if that is the spot where a sign needed to be placed.

John Brenner stated there is no sign stating, "No Parking to Corner."

Jon asked why paint the yellow lines then.

John stated as a curtsey.

Michelle Testerman stated this is the same resident she discussed with John because of the parking in the yard.

Jon stated the driver of this vehicle is one of the drivers who is speeding on Guilford Street and has a loud exhaust. It is not just that he is parking in the yellow zone.

Michelle asked Jon if he still has that information to share with Chief Knight again.

Jon stated that he presented the information to the board in January.

Harry stated as far as the speeding goes that needs to go to the police because that is a police issue.

John asked Chief Knight about the exhaust.

Chief Knight stated depending on the exhaust and if he made modifications to it and will have to deal with that when police stop him. Chief Knight asked Jon about the speeding on Guilford Street.

Jon stated he is speeding on Guilford Street and 23<sup>rd</sup> Street.

Michelle added he is speeding on 22<sup>nd</sup> Street as well. Michelle doesn't know how fast he feels he needs to go however if there is a kid there, they will get hit.

Jon stated some of the vehicles may not be going over what is a reasonable speed however because the exhaust system is so loud it appears, they are going faster than they are.

Chief Knight asked what time of the day they see him speeding.

Jon stated that car is in and out of the parking space all day and all night. That car is constantly moving. Jon presented the board with an ordinance passed and amended on January 9, 2023, by Cleona Borough regarding the exhaust systems. Jon stated the board of commissioners should

consider modifying the ordinances to this because it is enforceable and giving the chief of police the resources to enforce it.

Michelle asked because the township has state roads, even though in the township, such as 22<sup>nd</sup> and Lehman. Would an ordinance be enforced on all roads even the ones that are state governed? Chief Knight stated yes as long as there is an ordinance.

Jon stated when he was at the township meeting in January, he got the feeling that the commissioners felt helpless with the situation which is why he did some research and came across this ordinance.

Phylis asked if this impacts cars that make a backfiring noise.

Jon stated this ordinance only deals with electronically amplified noise and not the exhaust.

John stated basically the ordinance deals with loud music and stereos and nothing to do with the engine.

Jon stated it is not mechanically amplified noise.

John asked if his complaint is the loud music from the radios.

Jon stated absolutely and this ordinance would give the township the teeth to deal with it. That would be about 50% of the noise problems in the township.

Harry asked if it changes to this ordinance the police have to hear the noise or music in order to make an arrest.

Jon stated absolutely and that is the townships responsibility to give the chief of police the resources to enforce the ordinance.

John stated the township already has an ordinance for loud music. The problem is the police need to hear the music or a resident has to testify in court when the police prosecute. The problem is that the police go out on the noise complaints however no one wants to testify in court.

Jon stated if a vehicle is moving, he cannot do anything about it but a police officer can.

Michelle asked Chief Knight if he is experiencing this issue frequently and he takes a video, is that proof enough?

Chief Knight stated based on the video, the police have to be able to identify the driver.

Jon stated not based on that ordinance. It is basing it off license plate and just fining the owner.

Jon thinks its in part 2 and the ordinance is broken up into parts.

John stated that won't work in court.

Luann Horn asked how about having the police sit there at a specific time when this is occurring.

Chief Knight stated that is why he asked for a time.

Jon stated he is trying to give the township the teeth to make this occur.

Michelle stated she will look at it and spend more time on it.

Kathy Redinger, 2019 Church Street, stated as Harry and John know, her and Luann Horn have been collecting garbage around the neighborhood and the areas surrounding the township the last couple years. Recently, they had the pleasure of going to the east side of Boscov's, at the Quarry, to collect garbage because that was atrocious. Kathy showed the commissioners pictures of just one end of Boscov's to the other end of Boscov's. The only trash they collected was along the roadway however down below the roadway and down below the embankment is atrocious.

Eventually, it will impact the Watershed and the animals.

Luann Horn stated there are tires there.

Kathy is hoping that with Henry Molded being the property owner a letter or something can be sent to them to get it cleaned up.

John Brenner stated the last time the township went through this, it went back to the mall and they put a temporary wind barrier so trash would not go down in there. That was about 10-15 years ago and the barrier fell over so now the trash is going down in there again. John asked Justin Snyder, whether DEP was involved.

Michelle stated not that long ago Mr. Snyder brought it up.

John stated DEP was there and DEP would not do anything about it.

Justin Snyder stated DEP was in Lebanon County for the water training, which ended up being algae, and he brought it up several times about the trash and the snow tarps not being there anymore. Justin never got an answer about what was truly being done about it. Is it Doug Henry or the mall's responsibility or are they going to work together to get it cleaned up. Either way it is fresh water being impacted. Justin thanked Luann and Kathy for what they are doing.

Betty stated it isn't just plastic bottles, its garbage bags full of stuff that is laying there for years that they are trying to pull up.

Michelle stated to be careful when collecting trash and bottles because of the needles everywhere now a days.

Gary Redinger stated they pickup Hanford Drive and along 72 because trucks go by, and trash is flying out along 72. With the businesses along Hanford Drive, you are finding masks along the road and other bottles from the trucks.

John stated last week at Rutter's, they found 5-gallon containers of used oil, urine in gallon jugs and Rutter's was made responsible to clean the gallons up.

Kathy stated she sent a letter to Rutter's about the mess it is behind there.

Luann asked if a letter can be sent to Henry Molded or go speak to him.

John stated he can send Henry Molded a letter but is not sure what he will do about it. John stated DEP will likely have to get involved. As far as Luann speaking to Henry Molding, she can go over to speak to Henry Molding as indivial residents, however they cannot go representing the township.

Kathy stated they would appreciate the township to start by sending them a letter.

John stated he will send them a notice of violation.

Kathy stated her and Luann will try setting up a meeting to talk to them because it is bad.

Phylis Dryden stated it would be to his advantage what they are doing with picking up the trash.

Kathy stated they want some help with it.

John asked where they are picking up the trash is the mall property though?

Betty stated they are picking up trash at the guardrail and not the embankment.

Michelle asked how the township can send Henry Molded a letter for trash being picked up at the guard rail.

John stated it is not the guard rail. It is over the embankment.

Luann stated they picked up about 8 bags worth of trash from the guardrail. There are tires, full trash bags in the embankment.

John stated so it seems like they are dumping over there.

Jon Litz asked if the Greater Lebanon Refuse Authority is responsible for solid waste.

John stated for the county they are responsible.

Jon asked why they aren't being contacted.

Luann stated she will contact the Greater Lebanon Refuse Authority on March 7, 2023.

Barry Hair, works at Ladd Hanford, spoke with the maintenance man at Boscov's the week before meeting, because he has an ongoing issue on the North Lebanon Township side with the trucking company and parking. The maintenance man was telling Barry about the situation on

West Lebanon's side and warned Luann and Kathy to be very careful when picking up the bottles. They are putting holes in the lids and when picking them up, the liquid is squirting out on whoever picks them up. Since they were nice enough to pick up the garbage, he wanted to put that warning out to them. The maintenance man knows it and Boscov's is addressing in house, as best they can with their staffing, according to what Barry was told.

Luann stated he might have been the gentleman who stopped twice and spoke to them while picking up trash.

Phylis stated she takes Hanford Drive all the time and can see the difference when they had picked up trash.

Luann stated they have picked up trash along 72 two times and it was just done a few weeks ago. There was over 20 bags of trash, 6 dead deer.

JoEllen Litz asked if Penn Dot was picking up the trash along 72 when they collected the trash. Luann stated the City of Lebanon picked up the trash and someone picked up the deer.

Justin Snyder, 1923 W. Cumberland Street, asked Chief Knight if he knows anything about the Lebanon County Crime Watch program.

Chief Knight stated he doesn't know much about it.

Justin asked if he heard anything about any kind of crime watch program in the county. He heard on the local news that Jonestown has an online crime watch where it takes a burden off the police department, where community members report things, that local municipalities get involved in.

Justin was not sure if West Lebanon could explore. He remembers it in the 90's.

Chief Knight stated that went away because of the requirements.

Justin stated he does not want anyone walking away from a situation however it would be an online reporting system. That way the police department is not getting phone calls every day.

Justin was not sure if that is something the township could explore.

John stated on the township website there is a place for complaints to be submitted.

Luann stated the township had their own crime watch years ago.

John stated years ago there was a crime watch program and the residents involved messed it up. The charter was lost. North Lebanon Township had one and that charter was lost. Most of the charters in the county got lost to John's knowledge. West Lebanon has a spot on the website to put tips in.

Justin asked if that is directed to the police department.

John stated that is directed to the township for stuff like trash complaints and other things.

Justin stated so for the police to know the complaints the township would have to forward the information.

John stated he is trying to not have the police go out on trash calls.

Justin stated correct but that is why he suggested exploring the Lebanon County Crime watch program, as they do have a website. Half the township meetings lately have been spent with the Chief of Police for minor issues, even though it is frustrating issues. Compared to what the police see every day the issues being brought up are minor.

## **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 \$969.44 from 01/01/23 to 01/31/23 Municipal (\$884.17), Street Light Taxes (\$85.27).

Lebanon County Treasurer Real Estate Taxes collected are \$191.07 from 2/12/23 to 2/25/23 Municipal (\$191.07), Street Light Taxes (\$0.00).

Total monies in all West Lebanon Township accounts as of February 28, 2023, are \$1,698,043.25.

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

**POLICE:** Chief Knight was in attendance and gave the report for the month of February 2023 as follows:

<b>Total Calls for the month</b>	<b>31</b>
<b>Traffic Arrests</b>	<b>18</b>
<b>Criminal Arrests</b>	<b>16</b>
<b>Parking Tickets</b>	<b>00</b>
<b>Faulty Equipment Cards</b>	<b>01</b>
<b>Non-Reportable Incidents</b>	<b>14</b>
<b>Reportable Incidents</b>	<b>20</b>
<b>UCR Crimes</b>	<b>10</b>

Chief Knight stated on March 16, 2023, the police department is doing steer clear detail on 422 in West Lebanon, North Lebanon, and North Cornwall Township.

Phylis asked what the steer clear detail is.

Chief Knight stated it is to educate and enforce the steer clear law so when coming upon emergency scene drivers are supposed to slow down and move over if a driver can do so safely past the emergency vehicles.

**SPEEDWELL FIRE COMPANY:**

Bill Houser gave the following report for February 2023 as follows:

7 calls for the month with 10 personnel for 9 hours and 43 minutes.

Fire Police responded to 2 calls for the month for 2 hours and 5 minutes.

Training for hours for the month: 13 personnel for 32 hours and 30 minutes.

**HIGHWAY:** Phylis Dryden stated street cleaning starts 4/5/2023 at 8:00 am.

Harry Fox stated to pay attention to street signs.

**WATER:** Harry Fox stated the daily average for the month was 32,607 gallons per day (GPD).

The water tank is full. The total City of Lebanon Authority (COLA) water was zero (0).

Harry Fox stated all water service customers are now hooked to smart meters and the system is working properly.

**SEWER:** Harry Fox stated all the Chapter 94 items were submitted for 2/28/23.

**STORM SEWER/MS-4:** Harry Fox stated nothing to report.

**TOWNSHIP BUILDINGS:** Michelle Testerman stated upstairs both rooms are 99% finished. Molding, touch up, and final cleaning need done yet.

Harry Fox stated the rooms do look great and the employees have done a good job on it. There are little check marks to finish up, but it is coming along great.

Luann Horn asked if residents could see the rooms.

Harry stated yes after the rooms are cleaned up. Let someone know or call the township to inform that you want to come through it. Harry is around and will take residents to show around. Michelle Testerman asked when talking about renting the rooms out, what kind of events would they be looked at for the community to rent out for.

John stated events or a business that the township can get.

Phylis stated she contacted a potential business already and told them that the upstairs of the township would be a good place to rent out.

Michelle stated she was not sure if there was a specific type of business or idea for it.

John stated he was asked about residents renting it out for private parties or events but there is no sink or kitchen area upstairs.

Julie Clouse added there is no handicap accessibility to get upstairs.

**RECREATION:** Michelle Testerman stated the township was contacted about the baseball field walking trail. Well Span will be using the walking path along the baseball field for their Get Outdoors (GO) program.

**PUBLIC SAFETY/CODE ENFORCEMENT/SANITATION:** John Brenner stated several residents cited again for sanitation and expired vehicle tags and inspections.

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

**Zoning:**

**Purchase Certificates issued as follows:**

No. 01-2023 issued to Sheriff's Office for the property located at 1937 W. Cumberland Street Lebanon, PA. Seller's Name: Sheriff Sale- Kimberly Davis. Purchaser's Name: Cody Hurst.

No. 04-2023 issued to Guardian Transfer for the property located at 345 N. 20<sup>th</sup> Street Lebanon, PA 17046. Seller's Name: Estate of Scott Gassert. Purchaser's Name: Jayson L. Noll.

No. 06-2023 issued to Reilly Wolfson, Sheffey, Schrum & Lundberg LLP for the property located at 2020 Church Street Lebanon, PA 17046. Seller's Name: Roxane Melton. Purchaser's Name: Daniel Ebling- Modern Assets.

No. 07-2023 for the property located at 601 N. 22<sup>nd</sup> Street Lebanon, PA 17046. Seller's Name: Eugene A Lyter. Purchaser's Name: Steve Lyter.

**Zoning Permits issued as follows:**

Z-4-2023 issued to Wilmer and Rose Martin, 343 N. 20<sup>th</sup> Street, for renovations.

**Building Permits issued as follows:**

B-8-2023 to Wilmer and Rose Martin, 343 N. 20<sup>th</sup> Street, for renovations.

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

### **OLD BUSINESS**

The secretary stated no old business.

### **NEW BUSINESS**

Michelle Testerman made a motion, seconded by Phylis Dryden, and agreed by the Board to adopt resolution 2023-05 authorizing John Brenner to submit the application for county liquid fuels aid on behalf of West Lebanon Township.

John Brenner stated regarding new parking and storage of commercial size private or business trucks, tractor equipment recreational vehicles, trailers, or any other commercial vehicles what he would like to do work with Chief Knight about the recreational vehicles trailers that are sitting around in the street that are not connected to vehicles. On 23<sup>rd</sup> Street there are 3-4 now. The other thing is under the zoning ordinance, the police department currently cannot do anything with zoning. The way the ordinance is currently worded, the police department cannot currently do anything with vehicles with expired tags, expired inspection, sitting on the highway wrecked. John would like permission for the Chief Knight and the attorney to change the dialogue ordinance for the April 3, 2023, meeting.

Michelle Testerman made a motion seconded by Phylis Dryden and agreed by the board for Chief Knight and Attorney Paul Bametzreider to work on the ordinance for the police department to have permission to enforce vehicles with expired tags, expired inspection, sitting on the highway wrecked for the April 3, 2023, meeting.

Phylis made a comment that in some townships you cannot have a big camper in a resident's driveway unless the resident is leaving the next day.

John asked in the resident's driveway or the street. John is referring to campers and vehicles in the street.

Michelle Testerman stated there are 5 commissioners on the board that have been voted in by the residents of the township. It seems like there is a miscommunication somewhere that people only seem to think there is only 3 and only going to 3. It would appear as multiple decisions are being discussed and decided without all commissioners being made aware, which is a violation of the Sunshine Act. The Sunshine Act requires agencies to deliberate and take official action on agency business in a public meeting. It requires that meetings have prior notice, and the public can attend, participate, and comment before the agency takes the official action. The law defines a meeting as a prearranged gathering of an agency which is attended or participated in by a quorum of the members. Official business cannot be taken during executive session or closed gathering. Any member found to willfully violate the act can face criminal charges and subject to \$100-\$1000 for the first offense and \$500-\$2000 for any thereafter. The agency cannot pay the fines and the fines go to the individual that is breaking the law. Michelle stated she can go on about the Sunshine Act however since Phylis has specific questions for the attorney the Sunshine Act questions can wait until next meeting. Michelle is bringing this up because she is concerned that some of this is being broken at times with the board. On multiple occasions, she has not been informed of decisions being taken by the township such as the agenda last week had a reorganization meeting with some of the information being changed. Whether that was a mistake

or miscommunication for the residents she had no answers so when being questioned. When Phylis asked questions, she had no clue what she was talking about and now the agenda is correct now.

Phylis stated that was a clerical error.

Michelle stated that is why she said that it could be an error. When a resident call and asks what is going on because she is not made aware of what is going on as a commissioner that within itself is a problem. Michelle does not need to know every little detail. Last week a new girl was hired and last week that new girl was no longer with the township. Michelle stated that when she went to the township earlier in the day, there was another new girl. All she was informed was that Laura resigned. It is just something to know so when a resident asks a question's she has an answer. As a member of the board and paid employee of the township, it seems odd that Michelle and Phylis are not made aware of decisions. So, the two women on the board are not made aware of major decisions. If it is an oversight that is fine and understand but is asking for more respect to be made aware of things as they go on to have answers to residents.

## **CORRESPONDENCE**

### **Received checks as follows:**

Lebanon County Probation- \$50.00 for vehicle, crimes code and miscellaneous income.

Rental Licenses (2/9/23)- 6 at \$50.00 each totaling \$300.00.

Capital Settlement Group- \$50.00 for Purchase Certificate #02-2023 for 2212 Lehman Street.

Rental Licenses (2/16/23)- 10 at \$50.00 each totaling \$500.00.

Brad Menzel- \$114.17 for meter payment plan.

Cody Hurst- \$50.00 for Settlement 01-2023.

Anthony Fittz gibbons- \$50.00 for settlement from Moore to Qibble.

CSR- \$9.54 for recycling.

Jacob Kay- \$300.00 for 2 sidewalk permits for 2212 Lehman Street and 2216 Lehman Street.

Secured Land Transfer- \$50.00 for settlement 04-2023 for 345 N. 20<sup>th</sup> Street.

Rental Licenses (2/23/23)- 3 at \$50.00 each totaling \$150.00.

EZ Signs- \$30.00 for administrative fee for Moyer Nissan of Lebanon Zoning permit for sign permit submission.

Comcast Financial Agency Corporation- \$6,852.40 for franchise fee for 2022.

Reilly Wolfson- copy of 2022 financial statement for 2022 audit to Garcia Garman & Shea.

North Lebanon Township- \$2,180.61 for February Public Safety (\$1,488.09) and February District Judge (\$692.52).

Reilly Wolfson- \$50.00 for settlement for 2020 Church Street.

Wilmer and Rose Martin- \$266.40 for Zoning Permit Z-4-2023 (\$153.50), Building Permit B-8-2023 (\$82.90) and administrative fee (\$30.00).

Rental Licenses (3/2/23)- 17 at \$50.00 each totaling \$850.00.

Joel Davis- \$20.00 for alarm permit.

Huntlar Corporation (Linter Group LLC/TylerHunt LLC)- \$4,082.20 for Alamo Way Dual Pits- single bill per 2 houses for 1760 Alamo Way and 418 N. 18<sup>th</sup> Street (\$2082.20), Recreational Fee for 418 18<sup>th</sup> Street (\$1,000.00), and Recreational Fee for 1760 Alamo Way (\$1,000.00).

Pennsylvania Department of Transportation- \$26,25.75 for liquid fuels.

Lebanon County Recorder of Deeds- \$2,509.96 for local realty transfer tax distribution for the period from February 1, 2023 to February 28, 2023.



**DJ-52-3-03: \$390.13 for February 2023.** Local Ordinance (\$100.00), Title 18- Payable to Municipality (\$290.13).

**Received letters as follows:**

Rebekah Hammer, Community Wellness Coordinator- Park Usage request to use the walking path for the Get Outdoors (GO) program during the summer of 2023.

Robert Dowd, Lebanon County Department of Emergency Services- Lebanon County Commissioners are updating 2018 Hazard Mitigation Plan. Meeting is being held on Thursday February 23, 2023 to complete surveys and worksheets

Erie Insurance- Certificate of Insurance for Shuey Excavating LLC.

Pennsylvania Department of Transportation- informing that liquid fuels payment of \$26,685.75 will be allocated on March 1, 2023.

USA Bluebook- informing that Home Depot acquired assets for USA Bluebook and updated W-9 Tax form.

The next meeting of the West Lebanon Township Board of Commissioners is Monday April 3, 2023, at 7:00 p.m. at the West Lebanon Township Building, 322 North 22<sup>nd</sup> Street.

Michelle Testerman made a motion, seconded by Phylis Dryden and agreed by the Board to adjourn the meeting at 7:36 p.m.

Respectfully submitted,

Antoinette Issis, Secretary