

WEST LEBANON TOWNSHIP  
April 3, 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	Treasurer: Julie Clouse
Commissioner John Brenner	Secretary: Antoinette Issis
Commissioner Michelle Testerman (absent)	Maintenance: John Brenner
Commissioner Harry Fox	Township Engineer: Mr. Joshua Weaber
Commissioner Phylis Dryden	Solicitor: Mr. Michael Light

Phylis Dryden made a motion, seconded by John Brenner, and agreed by the Board to approve the minutes as written March 6, 2023.

**VISITORS' ADDRESS:** There were 16 visitors in attendance.

Harry Fox stated he wanted to clear up a few items that were brought up at the March 5, 2023, meeting by Jon Litz. For the noise Harry Fox stated he read Cleona and West Lebanon Township Ordinances and they are worded differently however they mean the same thing. As far as the issue of noise with mechanical, electrical, or a driver driving past a residents house the police must catch the driver. There is no other way to do it. If the noise is coming from next door, the house behind, or apartment above then there is a case that the police can address. As far as cars going by the police must catch the driver.

Jon Litz asked if the North Lebanon Township Police Department is allowed to cite a driver for noise coming from a vehicle.

Harry stated yes if the police catch them.

Jon does not understand why nothing is being done.

Harry stated the police need to catch the vehicles first.

Chief Knight stated as far as the speeding that was brought up, there are 2 speed radar signs getting put on Guilford Street to obtain data to know the best time to go out there to address some of those issues. There will be more of a police presence on Guilford Street and will be addressed.

Jon asked if more could be done to address the vehicles with the amplified noise.

Harry stated the township cannot have the police department that patrols West Lebanon Township and North Lebanon Township just sitting constantly. It will be a hit or miss type situation.

Jon stated the issue is continually getting worse and the township is being degraded because of it.

Jon asked the board to put more of a focus on it.

Phylis asked if Jon is noticing this at specific times of the day to ask the police to monitor the area.

Jon stated most drive times and weekends when the weather is nice. Jon stated he agrees that the police cannot have a 24-hour presence. April 2 was horrible with the people laying rubber and everything in the area.

Harry stated he thinks the police department is doing the best they can. As far as the speeding on Guilford, Harry knows that Jon and himself can determine speeds of vehicles. Vehicles are

speeding on Guilford Street, without a doubt, and drivers are not coming to a complete stop at 24<sup>th</sup> and Guilford. There again the police must catch the drivers.

John Brenner stated he believes this is an issue on all the township roads. The driving habits for the average driver for a speed limit of 25 is going 35mph.

Jon stated his point is that the issue keeps getting worse and the board needs to plan according to the issues.

Chief Knight stated the police department started an initiative about aggressive driving that just started up. Chief Knight stated he will put that as one of the locations that needs to be addressed for stop signs and speeding.

Harry asked if the board could say those issues are a work in progress.

John stated yes.

Jon stated he would appreciate a work in progress because the township cannot stay where they are with the issues.

Harry stated the last issue was the vehicle being parked illegally and he has to sympathize with the owner. When going on Guilford Street where the houses have no alley way between them and almost all residents have 2 vehicles now a days. Harry stated as for Jon he is lucky that they have a driveway at their house.

Jon stated that vehicle can park on Mifflin Street, legally.

Harry stated the point is that there has to be sympathy for other residents.

Jon asked then why put the yellow line if the township is going to allow a resident to park there.

Harry stated the entire vehicle is not parked on the yellow line and it is just the tail end of the vehicle.

Jon stated the pictures prove that the vehicle is parked illegally.

Harry stated he understands that it may be viewed as illegal and maybe the township should cite the owner, but Harry stated in his heart he would not be able to do that.

Jon stated thank you for addressing the issues.

Tina Houser, 2429 Guilford Street, asked the board for consideration to allow Speedwell Engine and Hose have a township yard sale done at the ball field around the end of May or beginning of June and possibly charging \$10-\$15 per spot as a possible fundraiser for the fire department.

Harry stated after the board approves it Tina will need to have a liability insurance provided to the township like when the teams play baseball over there.

John asked if they have a specific date yet.

Tina stated they were requesting the end of May to the beginning of June. The fire department has a meeting next Thursday to come up with a firm date. If the township approves it, the fire department would like to do it the end of May or beginning of June.

John Brenner made a motion, seconded by Phylis Dryden, and agreed by the board that Speedwell Fire Company is allowed to use the recreation field for a fundraiser for a flea market or yard sale with the Fire Department providing the township liability insurance. All in Favor.

Cindy Barto, 2301 Guilford Street, stated she wanted let residents know that she had an incident at her house where items were stolen, and she did get it reported to the police. She wanted others to be on the lookout because it was not anything that was sitting out by the curb to go into the trash. They came on her property up to her garage door and took several items from there. Cindy stated she does not appreciate people coming onto her property that are not invited because that is trespassing. The guy who took the items is a scrapper because his truck was full of scrap in the

back. Cindy stated she has pictures of the Black Silverado Truck and has a Dominican Republic flag on it.

Harry asked if it was reported to the police.

Cindy stated yes and spoke with the officer on April 2, 2023.

Phylis asked if she has a no trespassing sign on her property.

Cindy stated no because she did not think she needed one but will have a no trespassing sign now. She lived in the township for 12 years and never had issues with anything ever being stolen even when putting decorative things out for holidays. She had stuff sitting outside that was going to go into her garage and this guy just came and helped himself. Her neighbor happened to be in the back room of her house and heard a loud vehicle. When she went outside, she saw him and took a picture of the truck and there was a woman in the passenger seat.

Chief Knight asked if she knows if the truck has out of state license plates?

Cindy stated she is not sure. The officer she spoke with told her there were other issues, but this is the first time there is actual pictures of the vehicle. Someone said they saw the truck at the grocery store at 7<sup>th</sup> Street and Maple Street. Cindy spoke with CSR and was told that people come all the time with truck loads, so her items are probably all smashed now.

Chief Knight stated the police department might be able to track this person down and will check into it.

Cindy just wanted to make other residents aware.

Chief Knight stated it is occurring in North Lebanon Township as well.

Cindy stated she is aware that people want to scrap and that's fine since he took her recycling cans, but you do not just walk on someone's property and take their things.

Dan Vanvleet, 2190 Lehman Street, stated recently him and his wife, Sue, had some availability in their house and was thinking about an AirBNB. They checked the township ordinances and that was transient and was wondering if that will ever change. It seems like a lot of municipalities in Lebanon County have Air BNB ordinances.

John Brenner stated he does not see that ever happening. There are a lot of places that have Air BNB, and they have a lot of problems. John stated he is only one person speaking but the township adopted the ordinance. All of municipalities who have Air BNB wish they did not have them. Once they have Air BNB in the municipality, it is very difficult to get rid of them. The problem with Air BNB is that people come into them and trash them. With a lot of Air BNB's, no one is living there and that is more of a bed and breakfast than an Air BNB. Air BNB is more that the house is vacant, and people can rent it out and end up getting trashed. That is the primary reason the township did the ordinance.

Sue stated for her understand for the Air BNB was that there needs to be a connection for who is staying in the house temporarily and who's living there. For them they are going to stay in their house and the Air BNB is part of their house. They would not let someone trash their house.

John stated the rest of the board would have to discuss it and the ordinance would have to get changed if the board does it.

Harry Fox stated that would have to get brought up at a public meeting if it were to get changed.

### **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 Real Estate Taxes collected are \$11,473.05 from 2/26/23 to 3/11/23  
Municipal (\$10,550.93), Street Light Taxes (\$922.12).

Lebanon County Treasurer Real Estate Taxes collected are \$13,059.17 from 3/12/23 to 3/18/23  
Municipal (\$12,462.74), Street Light Taxes (\$596.43).

Lebanon County Treasurer Real Estate Taxes collected are \$9,307.49 from 3/19/23 to 3/25/23  
Municipal (\$8,636.92), Street Light Taxes (\$670.57).

Total monies in all West Lebanon Township accounts as of March 31, 2023, are \$1,773,084.39.

Phylis Dryden made a motion, seconded by Richard Pflueger, 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 November 2022 as follows:

<b>Total Calls for the month</b>	<b>79</b>
<b>Traffic Arrests</b>	<b>26</b>
<b>Criminal Arrests</b>	<b>07</b>
<b>Parking Tickets</b>	<b>00</b>
<b>Faulty Equipment Cards</b>	<b>23</b>
<b>Non-Reportable Incidents</b>	<b>22</b>
<b>Reportable Incidents</b>	<b>33</b>
<b>UCR Crimes</b>	<b>09</b>

Chief Knight stated the police department handled 375 total calls for the month North Lebanon Township Police Department between West Lebanon Township and North Lebanon Township.

Phylis Dryden stated she understands there was an award given in the police department recently.

Chief Knight stated Detective Sargent Behney who got promoted and is now working at the police department as a detective. He solved a bunch of thefts at Catalytic converters.

Justin Snyder asked how the steer clear went when the police department did that.

Chief Knight stated the steer clear was done and the police department issued a bunch of warnings and traffic citations for the steer clear detail. The steer clear detail was more for educational purposes for motorists. A lot of motorists were unaware of that law and did not know what to do in that situation coming upon an emergency scene on the roadway. It was very successful. Between North Cornwall and North Lebanon, there a lot of tickets, warnings, and education issued out during that detail. There were 8 officers who worked during that detail.

**SPEEDWELL FIRE COMPANY:**

There was no report during the meeting for Speedwell Fire Company for the month of March.

**HIGHWAY:** Phylis Dryden stated street cleaning starts on April 5, 2023.

**WATER:** Richard Pflueger stated the daily average for the month was 30,000 gallons per day (GPD). The water tank is full. The total City of Lebanon Authority (COLA) water was zero (0).

Richard Pflueger stated all the 2022-year end reports were submitted to DEP with no issues.

**SEWER:** Richard Pflueger stated nothing to report.

**STORM SEWER/MS-4:** Richard Pflueger stated nothing to report.

**TOWNSHIP BUILDINGS:** John Brenner stated he is waiting for estimates to finish the floors. Everything else is done upstairs.

**RECREATION:** John Brenner stated nothing to report.

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

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

**Zoning:**

**Purchase Certificates issued as follows:**

No. 02-2023 issued to Capital Settlement Group for the property located at 2212 Lehman Street Lebanon, PA 17046. Seller's Name: Jacob King- Stonehedge Holdings LLC. Purchaser's Name: Ronald Ringler.

No. 03-2023 issued to Capital Settlement Group for the property located at 2216 Lehman Street Lebanon, PA 17046. Seller's Name: Jacob King- Stonehedge Holdings LLC. Purchaser's Name: Ronald Ringler.

No. 05-2023 issued to Anthony Fitzgibbons-The Real Estate Transfer Co. for the property located at 2105 Church Street Lebanon, PA 17046. Seller's Name: Debbie Moore. Purchaser's Name: Nathan & Brittany Gible.

**Zoning Permits issued as follows:**

Z-3-2023 issued to Huntler Corporation for 6 new buildings 24X32 SFD 416 N. 18<sup>th</sup> Street, 417 N. 18<sup>th</sup> Street, 1764 Alamo Way, 1890 Alamo Way, 1892 Alamo Way, and 415 N. 18<sup>th</sup> Street.

**Building Permits issued as follows:**

B-3-2023 issued to Huntler Corporation, 416 N. 18<sup>th</sup> Street, for New building 24x32 SFD.

B-4-2023 issued to Huntler Corporation, 417 N. 18<sup>th</sup> Street, for New building 24x32 SFD.

B-5-2023 issued to Huntler Corporation, 1764 Alamo Way, for New building 24x32 SFD.

B-6-2023 issued to Huntler Corporation, 1890 Alamo Way, for New building 24x32 SFD.

B-7-2023 issued to Huntler Corporation, 1892 Alamo Way, for New building 24x32 SFD.

B-9-2023 issued to Huntler Corporation, 415 N. 18<sup>th</sup> Street, for New building 24x32 SFD.

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

**OLD BUSINESS**

John Brenner stated for the ordinance for the parking of commercial sized private or business trucks, tractors, or commercial vehicles is most of the township ordinances start at \$100. John

does not want \$100 parking ticket and is in favor of starting the ticket off at \$50. Is the board fine with that change?

Michael Light stated he will make that correction.

John stated that is fine. The township is trying to do the same as North Lebanon with not having 5 different ordinances for the same thing.

Michael asked if everything else was fine with the maximum fine and the possible incarceration. John stated yes.

John Brenner made a motion, seconded by Richard Pflueger, and agreed by the board to start the fine at \$50 for parking or storage of commercial sized private or business trucks, tractors, equipment boats, recreational vehicles, trailers, or any other commercial vehicles.

### **NEW BUSINESS**

Phylis Dryden asked the question about the new sunshine law for the solicitor to clarify. Phylis gave copies of the question and read the question as follows:

“My understanding of the new sunshine law is that it was enacted to give constituents open access to the process by which decisions are made by their governments. By “decisions,” I’m talking about deliberations which culminate in ordinances, policies, resolutions, etc.

As one member of a five-commissioner board, it occurs to me that the Sunshine Act also protects single board members from being kept ‘out of the loop’ by other commissioners who by their great numbers have a majority vote.

Would it be appropriate for some township commissioners (excluding at least one or possibly more of the others) to confer privately about a specific action they think the whole board should take or a specific resolution they think should be passed at some time in the future? I’m not talking about how a general commissioner would vote on a particular issue. I would like clarification on this matter so that all the commissioners know exactly how to conform to the law.”

Phylis stated in the past she thought that 2 commissioners could talk about how they might vote on a matter. Phylis now understands that the law prohibits the commissioners from talking about how they would vote.

Michael Light stated a majority of that is true and will get a more detailed opinion and answer addressed to the board. Essentially anything that involves the public domain must be done at a public meeting so the public can hear about it. Residents have that right to weigh in, give suggestions, or corrections however the board can have private meetings outside those public meetings. At those private meetings, it cannot involve anything that is voted on or business conducted. Business can be discussed at a private meeting and does not need to have public there. It is a hybrid of both. With Phylis’ specific question about 2 commissioners or none, Michael believes it is none after reading the statute and the board can collectively have a private meeting. Michael will provide the board with a written opinion.

Phylis stated a private meeting could include the sharing of information but not how the board votes.

Michael stated there are exceptions such as personnel matters, hold information strategy or negotiation sessions, collective bargaining unit agreements, purchase of property, pending litigation, agency business, or confidential information, and certain public safety issues. Those

are some broad exceptions to why the board would have a private meeting and not discuss at a public meeting.

Mr. Snyder asked if this was in response to what Michelle Testerman brought up at the March meeting with decisions being made and she is not being involved in them.

Phylis stated Michelle did not see the specific question she had that was going to get brought up at last meeting, but the solicitor was absent. Phylis was not aware that Michelle was bringing up at the last meeting. Phylis stated it is fair to say that at times she feels left out and does not know what is going on. Sometimes it is something important and should know. Phylis' question did not really have anything to do with Michelle's complaints specifically. Phylis thinks that the 4 commissioners were all elected and one was appointed and they should all be aware of what is going on.

Jon Litz asked would budget meetings be considered as public and should be advertised in the paper.

Michael stated yes generally. If the board wants to allocate a budget amongst themselves that is one thing however all that needs to come out to the public. The public should be aware of the budget meetings.

Phylis stated the only thing with that is at a budget meeting they discuss salaries she thinks those are privileged.

John stated no, salaries are not and are public information.

## **CORRESPONDENCE**

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

Shoe Depot- \$20.00 for alarm permit.

Lebanon Valley Mall- \$20.00 for Alarm Permit.

Carol Miller- \$30.00 for administrative fee for HVAC at 2312 Mifflin Street.

EMC Insurance- \$37.00 for return premium policy change (6X23348).

Moyer Nissan of Lebanon- \$320.00 for Local Service Tax for 4<sup>th</sup> Quarter 2022.

Moyer Nissan of Lebanon- \$290.00 for Local Service Tax for 4<sup>th</sup> Quarter 2022.

Bennett Hyundai of Lebanon- \$20.00 for Alarm Permit.

Huntler Corporation- \$1,000.00 for Recreational Fee per unit for 1762 Alamo Way.

Rental License (3/16/23)- 3 at \$50.00 each totaling \$150.00.

EMC Insurance Company- \$4,853.94 for insurance refund due to no claims.

Huntler Corporation- \$1,119.50 for Administration Fee (\$30.00), Zoning Permit Z-3-2023 (\$642.50), Building Permit B-3-2023 (\$74.50), Building Permit B-4-2023 (\$74.50), Building Permit B-5-2023 (\$74.50), Building Permit B-6-2023 (\$74.50), Building Permit B-7-2023 (\$74.50), Building Permit B-9-2023 (\$74.50).

North Lebanon Township- \$7351.51 for District Judge for March 2023.

UGI Utilities- \$220.00 for excavation permit for 2312 Mifflin Street, Permit Fee (\$100.00), Inspection fee (\$90.00), Footage Fee (\$30.00).

Rental Licenses (3/30/23)- 6 at \$50.00 each totaling \$300.00.

**DJ-52-3-03: \$551.02 for March 2023.** Local Ordinance (\$100.00), Title 18- Payable to Municipality (\$451.02).

### **Received letters as follows:**

Jonestown Bank- standby letter of credit for emergency use only.

Medtronic Inc.- informing of address change for the company.

PA DEP- inform of recent changes to PFAS MCL Rule.

Certificate of Liability Insurance- Zinn Insurance producer for insured Hoffer Paving, INC.

The next meeting of the West Lebanon Township Board of Commissioners is Monday May 1, 2023, at 7:00 p.m. at the West Lebanon Township Building, 322 North 22<sup>nd</sup> Street.

John Brenner made a motion, seconded by Phylis Dryden, and agreed by the Board to adjourn the meeting at 7:32 p.m.

Respectfully submitted,

Antoinette Issis, Secretary