

WEST LEBANON TOWNSHIP  
June 20, 2023

The special 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 (absent)
Commissioner Phylis Dryden	Secretary: Antoinette Issis
Commissioner Michelle Testerman	Solicitor: Mr. Paul C. Bametzreider
Commissioner Harry Fox	Township Engineer: Mr. Joshua Weaber (absent)

**VISITORS’:** There were 14 visitors in attendance.

Paul Bametzreider started by thanking everyone for coming to the special meeting which has been duly advertised in the Lebanon Daily News in accordance with the First-Class Township Code and the Sunshine Law. The purpose of the meeting is John Brenner resigned his position and his resignation was accepted by the board at the June 5, 2023, township meeting. In accordance with the requirements of the First-Class Township Code, the Board needs to appoint somebody to take John’s place within 30 days of accepting the resignation. If it cannot be done within 30 days, it goes to the vacancy board. The vacancy board would then have 15 days to fill the position. If the vacancy board cannot fill the position, it would go to the court of common pleas. Paul stated at this point he is not sure if someone on the board is ready to make a motion for someone to fill the position to finish the term or until the next available election, or if the board would like to hear from residents present at the meeting. Paul left that to the board’s discretion.

Richard Pflueger stated he wants to hear from the public.

Paul asked if the Board agrees to hear from the public.

All in favor to hear from the public.

Paul asked if any residents would like to address the board about this special meeting advertised solely for filling the vacancy or offer their own name as a possibility.

Gary Redinger, 2019 Church Street, stated the last time when they had the problem with the commissioner vacancy, the board asked the public to submit names with a letter of interest. Was that done this time?

Phylis stated last time there was 3 people at the court of common pleas who submitted their names.

Gary asked is the same thing going to be done where residents submit their names.

Paul stated the board has the final decision, but the problem is having a limited time period. As far as Paul is aware the people who submitted their names last time submitted them to the judge.

Gary thought names were submitted to the board within 30 days.

Michelle Testerman stated if the board does the route of accepting letters the board would still fall within the 30-day mark because the next township meeting is on July 3, 2023. If it is the route the board goes like Gary suggested, the board is in the timeframe as long as a commissioner is appointed at the July 3, 2023, meeting.

Paul stated as long as the board is within 30 days, the board could go the route of accepting letters and that is within the discretion of the board.

Gary thinks that is the route the board should proceed with to verify a resident is interested prior to voting on a resident to take the position.

Paul thanked Gary for the opinion and thinks it is a good idea.

Jon Litz, 2302 Guilford Street, asked if the board is party specific.

Michelle stated no and the board is a by partisan group. The board can have all democrats, all republican, or combination of both.

Phylis Dryden stated it is not like the county commissioners.

Justin Snyder, 1923 West Cumberland Street, stated the legal process was being discussed and the last time he did everything correctly however Lebanon County never interviewed him for the commissioner vacancy. That is the proper procedure for what he signed, and the county decided to put Mr. Pflueger back on the board, which was the wise decision to do as they should have done to begin with. Justin is running for a 4-year term and thinks it would be the best interest for the township for him to get appointed to get his feet wet going into the 4-year term. During the November meeting have a special meeting for a 2-year term. Justin is willing to step up.

Phylis Dryden stated to replace John Brenner is roughly a 2.5-year term.

Paul stated that is the question as the first-class code states until the next municipal election where a replacement could be placed to fulfill the position. The township has a practical problem that needs resolved which is can someone else get on the ballot for November or rely on write ins. That will hinge on how determine that practical question.

Harry Fox stated this issue seems to be dragging itself out longer than it needs to. Harry asked if any residents are interested in filling the position.

John Gurganus, 1825 Church Street, stated he would offer his name to fill the position for the remainder of the term.

Phylis stated Justin is already on the ballot for the 4-year term.

Justin stated he is on the ballot for the 4-year term but to bridge the gap for now until going into the next election process to have someone on the board to start making decisions again to move forward. Justin suggested during the next period to have another special meeting to appoint for a 2-year term, which he thinks Mr. Gurganus would be wonderful.

Gary Redinger stated someone would need to fill John Brenner's remaining term which is not a 4-year term. With being on the ballot, Gary does not think that qualifies him to fill the remaining position.

Paul thinks there would be a practical problem with Justin simply because if the township does not get someone else elected in November and Justin gets elected for the 4-term then the township would have to appoint someone else.

Gary stated he is running for a commissioner's position for someone who is not running again and not John Brenner's position.

Paul stated correct and that is why it creates the problem.

David Snyder, 1923 W. Cumberland Street, stated it does not make sense that when residents who are at the meeting including Joe Templin and Justin Snyder, that are on the ballot and interested in the position. Why go to someone else? Up until this point no one else was interested in the position and now all the sudden the township wants to submit names.

Phylis stated that is not the point. The positions on the ballot are for Mr. Pflueger's position, as he did not realize that he was appointed by the Court of Common Pleas until the end of the year, which is the 2-year term. It would be for a different position.

David stated when he came to vote during the primary election, he did not see anything about a 2-year term that Joe Templin signed up for.

Michelle stated yes there was, and it was a write in.

Phylis stated he had enough write-in votes.

David stated both gentlemen signed up to run for commissioner and now the board is saying they do not want them for a 2.5-year term and the board wants them for a 4-year term. Is that what the board is saying.

Phylis stated no and the board is trying to find a replacement for Mr. Brenner and not the two-year position, which Rick would be vacating at the end of the year.

Paul stated correct and that is on the ballot and is not concerned about that.

Phylis stated she has a lot of faith in John Gurganus and has known him for many years. He serves on the zoning board and is glad he is willing to serve the township.

John Gurganus asked how long John Brenner's term until.

Paul stated he would fulfill the position until the next municipal election which a replacement could run for the position.

Gary Redinger asked that would be in November, correct.

Paul stated he is not sure as the primary election has been missed and is not sure if someone can get on the ballot for the November election. That is why the judge appointed Rick, he was appointed until after the next municipal election even though he was appointed in 2022. Paul will have to investigate it but there will likely be a problem to get someone else on the ballot for November.

Jon Litz stated he heard that someone on the ballot is ineligible to fill the position and wanted to know if anyone contacted the Bureau of Elections at the courthouse to see what really needs to happen.

Paul stated no he has not spoken to the Bureau of Elections about this and has been following the statues.

Jon stated the Bureau of Elections should have been contacted prior to the meeting to have clear laws to abide by.

Paul stated the township has laws to abide by and it is the first-class township code.

Bill Houser, 2429 Guilford Street, stated it is on the Commonwealth of Pennsylvania's website. The township is following protocol.

Phylis asked John Gurganus if he is willing to accept the 2.5 year term or the term ending in December.

John Gurganus nodded in the affirmative.

Michelle read the portion out of the first-class township code as to why it is difficult to answer when the term will end until Paul does some research. It is a question she had. Michelle is reading that as the appointed person is on the term until January and Paul is questioning because of not having another name on the ballot for this term. Michelle understands that there were some write ins and that is what Paul is checking on. If there is 10 write ins, would one of them get the position. That is what Paul needs to find out.

Paul stated it is a practical issue that can be easily resolved.

Bill Houser stated the board is making it more difficult than it needs to be. The special meeting is to appoint someone as of right now to replace John Brenner. There are 2 people who stepped up and the board just needs to make it a motion.

Harry Fox stated the agenda states to consider and vote upon an appointment for the replacement of Commissioner John Brenner.

Paul stated to the chairman to see if any other residents have anything else to say and then close on the public comment portion and the board can open it up for discussion.

Michelle asked if the motion will be to appointment someone at the special meeting or have residents express interest in the vacancy.

Paul asked if anyone else wants to address the board.

Bill Houser stated his opinion that there are 2 people who directly expressed interest and would not walk out without having the position filled. The position needs to be filled.

Carl Lease, 2314 Mifflin Street, asked if Joe Templin interested in the position because he would be the 3<sup>rd</sup> person in attendance if he would be.

Phylis stated Joe is already on the ballot.

Paul stated there could be a potential practical problem if no one else can get on the ballot to take over the position in January.

Bill stated that the bottom line is that it would be a conflict of interest due to being on the ballot already.

Harry Fox closed the public portion of the meeting at 7:19 pm.

Paul stated the board will now open it up for discussion and possibly for a motion.

Richard Pflueger made a motion to nominate Justin Snyder. Motion failed due to no second.

Phylis Dryden stated she would like to make a motion to appoint John Gurganus and the reason she would not be in favor for Justin even though she encouraged him to run in the past is because he is on the ballot for November.

Antoinette stated John Gurganus is currently on the zoning board.

Paul stated he would have to resign from the zoning board and cannot hold both positions if he gets appointed.

Richard Pflueger asked what the problem is with Justin Snyder being nominated.

Paul stated he is currently on the ballot and if no one else gets elected in November the township will have to go through the process again.

Richard stated to cross that bridge in January.

Phylis Dryden made a motion, seconded by Michelle Testerman, and agreed by the board to appoint John Gurganus as commissioner in replacement of Commissioner John Brenner. All in favor.

Paul stated John Gurganus is appointed to finish out the term whether it is to finish the term until January 2024 or January 2025 and that will get resolved.

Jon Litz asked if it is January 2024 would that require a special election?

Paul stated he needs to find that out as the first-class township code does not call for a special election and it says after the next municipal election. The question is because the primary election has passed can the township get someone else on the ballot for the position.

Phylis Dryden made a motion, seconded by Michelle Testerman, and agreed by the Board to adjourn the meeting at 7:22 p.m.

Respectfully submitted,

Antoinette Issis, Secretary