

WEST LEBANON TOWNSHIP
April 1, 2024

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

The following were in attendance:

Commissioner Joe Templin	Treasurer: Julie Clouse
Commissioner John Gurganus	Secretary: Antoinette Issis
Commissioner Michelle Testerman	Maintenance: John Brenner
Commissioner Justin Snyder	Township Engineer: Mr. Jackson Weaver
Commissioner Phylis Dryden	Solicitor: Mr. Paul C. Bametzreider

Phylis Dryden made a motion, seconded by Joesph Templin, and agreed by the Board to approve the minutes as written March 4, 2024.

Justin Snyder made a motion, seconded by Phylis Dryden, and agreed by the Board to approve the special meeting minutes as written March 25, 2024.

VISITORS' ADDRESS: There were 12 visitors in attendance.

Sally Templin, 2150 Lehman Street, asked the board about installing the siren back in the fire department.

Michelle Testerman asked why she wants it to be installed again.

Sally stated she likes to hear the siren.

Lloyd Cobb, 431 N 25th Street, stated he sent an email to the township regarding trash in the south alley from 2432 Mifflin Street. The trash was moved. However, it continues to sit there. John Brenner asked who the email was sent to because he and Antoinette did not receive the email.

Lloyd stated he submitted an email via the township website where it says to contact the township.

John stated the township did not receive the email and asked for the address where the trash is located.

Llyod stated 2432 Mifflin Street. His house faces 25th Street, so he normally goes out his back door and the trash is right there.

Skylar Ford stated the commissioners did not make a decision regarding the siren after Sally Templin brought it up.

Paul Bametzreider stated the siren was brought up and then another issue was brought up prior to the board had any kind of conclusion regarding the siren. The board can choose to discuss it or table it for a future meeting.

Michelle stated that when the fire house was remodeled, the fire department was informed that the county was not going to use them much anymore and parts were going to be difficult to obtain. At that point, why was the fire department going to have the siren when it was going to be obsolete? From what she is hearing now, it is not obsolete and she cannot answer that question.

John Brenner stated that it is the fire department's responsibility and they can put it up if they want to put it up.

Bill Houser asked why wasn't the fire department informed of that previously since John Brenner told them they cannot have it up.

John Brenner stated he never told them that. The siren was never in the firehouse and it was on the pole.

John Gurganus asked if other fire companies in the county are using their sirens

Michelle stated some fire companies are.

John Gurganus asked for the fire companies that are not using them, is there a reason for not using the siren?

Chase Testerman stated the fire companies that are not using the sirens, never used the sirens.

The ones that currently use the sirens are companies that have always used the sirens. Everyone has cell phones nowadays. If cell phones go down, the house siren will always go off for an emergency.

John Gurganus stated as a township resident, he misses the siren because when it goes off, he knows an emergency is going on in township without looking at his cell phone.

Justin Snyder stated he believes the siren was taken down and reserviced in 2018 and was taken down in 2021.

Phylis stated she was not sure whose decision it would be to reinstall the siren.

John Brenner asked if the fire department has the siren? The fire department can put it back up. However, it will require an electrician, and paying for the county to activate.

John Gurganus stated it was not working during the remodeling process.

Skylar stated he does not necessarily agree with that because it was taken down during the remodeling process. If it was being used during the remodeling process, why is it now the fire department's expense to put it back up?

John Brenner stated the siren was not working when it was taken down.

Michelle Testerman asked who paid for the service to the county prior to the siren being removed.

John Brenner stated the township pays the fee yearly and that is just for the frequency.

Michelle stated that she does not think the fire department ever incurred a cost for using the siren.

John Brenner stated yes, the fire department did incur fees in the past and told Michelle to ask previous board members.

Michelle Testerman asked Dennis Horn if he recalls the fire department having incurred fees previously.

Dennis Horn stated that when it needed to be fixed, the fire department did pay for it.

Tina Houser asked does the fire department pay a yearly fee.

John Brenner stated that the township pays the yearly fee for the frequency to be active.

Justin Snyder stated that there are companies that activate the siren to only go off during certain times of the day.

Phylis Dryden made a motion, seconded by Joe Templin, to table the siren issue and discuss it at the May Meeting.

Ashley Norton asked what there is to discuss if it is the fire company's responsibility or decision. Paul stated the commissioners do not have to vote on it.

Ashley asked if it is the fire company's decision, why is the discussion getting tabled until May. Will the commissioners discuss it and come back and say they do not approve?

Paul stated he is not sure the township has the authority to come back and say the fire company cannot use the siren.

Phylis stated she wants more information regarding who is responsible for paying which fees.

Tina asked if the board is tabling the discussion, however, the fire company can put the siren up, and the board cannot veto the decision at that point.

Paul stated that is correct and the board will not have the authority to veto the decision as long as the decision is legal.

Tina asked if the fee was currently being paid and if the house siren was included in the fee.

John Brenner stated every municipality pays the fee and it includes any times that the fire department is dispatched. The house siren is included in the fee regardless if it is up and the fee is for dispatch.

Michelle asked because an electrician will have to do work, will there have to be any electrical work in the walls?

Justin stated the wall had to come out where the electrical work had to be done.

Michelle asked will the fire company be authorized to have an electrician to come in to do the work since so much money was spent towards the fire department to remodel.

John Gurganus asked if a permit would be needed for the electrician.

John Brenner stated the township can waive the fee for the permit, but the fire company will have to pay the fee for the inspection. Fire companies and churches normally pay the fee for the inspections, but the fee for the zoning permit is normally waived by the board of commissioners.

Phylis stated that if the township does not incur any additional cost towards the siren, she withdraws her motion about tabling the discussion for the May meeting.

COMMITTEE REPORTS:

Treasurer's report:

Lebanon County Treasurer Real Estate Delinquent Taxes collected are \$61.85 from 2/1/24 to 2/29/2024 Municipal (\$61.85), Street Light Taxes (\$0.00).

Lebanon County Treasurer Real Estate Delinquent Taxes collected are \$26,524.50 from 3/1/24 to 3/16/2024 Municipal (\$25,258.34), Street Light Taxes (\$1,266.16).

Total monies in all West Lebanon Township accounts as of March 31, 2024, are \$1,711,283.64.

Phylis Dryden made a motion, seconded by Justin Snyder, 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 March 2024 as follows:

Total Calls for the month	41
Traffic Arrests	18
Criminal Arrests	05
Parking Tickets	00
Faulty Equipment Cards	16
Non-Reportable Incidents	09
Reportable Incidents	18
UCR Crimes	04

Chief Knight stated there were 360 reportable calls for the month between North Lebanon Township and West Lebanon Township. Chief Knight stated the cadets are doing great and they are no longer cadets. Their FTO program ends at the end of April. As far as the regional merger, there was a meeting, and a charter was sent to the attorneys for them to review. The police department is waiting for recommendations before the next steps.

SPEEDWELL FIRE COMPANY:

Skylar Ford gave the following report for March 2024 as follows:
7 calls total for the month and 2 fire police calls for month.

Skylar stated each commissioner was given copies of boxcards. A change was made to the boxcards for farm/industrial boxcards. During the special meeting the fire department never went through the boxcard for a business commercial, structure fire, or multiple dwellings. Skylar stated if the board has questions, his phone number is on the front page of the boxcards, and he can answer any questions they have. Skylar stated hopefully at the next township meeting, they will get approved and sent to the county.

John Gurganus suggested that the boxcards get put on the agenda for the May meeting.

Antoinette stated she will get that on the agenda for May's township meeting.

Michelle asked if the commissioners do not approve the boxcards, is the legal liability taken off the fire chief still?

Paul stated if the commissioners do not have any responsibility in approving the boxcards, they do not have any liability. From Paul's understanding and dealing with it in other municipalities, the fire chief makes recommendations regarding the boxcards, and the commissioners have to approve it prior to telling the EMA what is approved. The EMA will not listen directly to the fire chiefs and wants the commissioners' approval.

Skylar stated with his discussion with the county, the EMA coordinator, the commissioners' involvement, and the fire department must agree on the boxcards.

Paul stated that John Brenner, being the EMA coordinator, makes the recommendation to the board and the board has the final vote to approve. Paul stated Skylar needs to work with the EMA coordinator and make the recommendation. In Paul's previous experience, the recommendation to change boxcards comes from the fire chief and not the EMA coordinator. If there has been a different practice in West Lebanon that has been developed over the years, that is acceptable, and the fire chief would have to work with the EMA coordinator. Once the EMA coordinator makes the recommendation to the commissioners, the boxcards are submitted to the EMA. There is no reason for the commissioners to do anything other than what the fire chief recommends because that is the fire chief's area of expertise, unless it is something outrageous. Michelle asked who is legally responsible if the board does not approve the boxcards. Is the fire chief responsible legally?

Paul stated the township is responsible for providing fire protection to residents. Ultimately, the liability would fall on the township. The fire chief has no legal responsibility.

Joe Templin made a motion seconded by Justin Snyder to accept the changes to the boxcards provided by Skylar Ford.

Antoinette asked why a motion was made when the board had just received copies of the boxcards right before the April meeting.

Joe stated he can make a motion at any time.

Tina Houser stated she thought the approval of the boxcards was going to be on the agenda for May's meeting.

Antoinette stated that is why the question is being asked to why Joe is making a motion to approve the boxcards right then.

Paul stated if it is not on the agenda, a motion would need to be made to add it to the agenda prior to the board voting.

Michelle stated it is on the agenda under Speedwell.

John Gurganus stated the board just received the copies of the boxcards and the board did not have a chance to look over the boxcards and Skylar had stated he made one change.

Skylar stated he made one change and hopes the commissioners have trust in him that he set up the boxcards appropriately for West Lebanon. He finds it ridiculous that he has to go through the process and be criticized left and right about how he has the boxcards set up. At the same time a resident does not care what company's name is on the fire truck, or what color the fire truck is at the time of an emergency.

Phylis asked if Skylar could point out what changes have been made since the March 25, 2024, special meeting.

Skylar stated under Farm/Industrial Accident, Rescue 24 was pulled off and Rescue 42 was put on. If Engine 39 does not go out, Engine 48 from the city will go out.

Michelle asked if the township's EMA coordinator had looked at the changes, because the recommendation should come from the EMA coordinator.

Skylar stated he did not go over structure fire or multiple dwellings because the commissioners were hung up on why Engine 9 was not responding.

John Brenner pointed out on the last set of minutes the commissioners approved, it stated to provide the township copies of the boxcards but not on the day of the township meeting. The commissioners and EMA coordinator received copies of the boxcards right before the meeting.

Paul stated Joe made a motion and asked Joe if he is continuing to make the motion.

Joe said yes.

Paul asked is there a 2nd to the motion.

Justin Snyder stated he will second the motion since the board has the boxcards and in order for residents not to wait any longer.

Paul asked for discussion and a roll call vote.

Phylis stated she needs more time to look over the boxcards.

Justin stated the fire chief is looking out for the best interests of the township residents.

Chase Testerman asked if Phylis needs more time to look at it, does she abstain from the vote?

Paul stated no, she does not abstain and was discussing her opinion about how the board needs more time to review the boxcards.

Chase stated if the board decides to vote next month, they can reach out to himself or Skylar with questions.

Michelle stated since in the minutes, it stated the board would have copies of the boxcards prior to the April meeting, can the board make the motion and follow through with the motion?

Paul stated the board did stipulate that the commissioners wanted the boxcards prior to the day of meeting in order to review them. That should be taken into consideration when voting in favor of the motion made.

Michelle stated if the minutes are audited and the board approved the minutes, they would have them prior to the meeting. Is the board within their legal right to accept the boxcards?

Paul stated they had an agreement and if she feels it has not been complied with, then Michelle has the right to deny the motion.

Justin stated he wants to know why it was given to the commissioners just prior to the meeting.

Skylar stated he does not know why they did not get to the board sooner.

His question is Skylar did not go over structure fires, multiple dwellings or business.

Michelle stated the township is well covered with fire protection because of the previous chief EMA Coordinator John Brenner, and previous commissioners. Whether the boxcards are approved in April or May has no impact on coverage of fire service. The changes are because Skylar thinks they are for the best interest but does not mean the township is not covered with fire protection.

Antoinette took a roll call vote.

- Phylis voted no.
- Justin voted yes.
- Joe voted yes.
- Michelle abstained due to being Vice President of fire company.
- John Gurganus voted no.

Paul stated this will be tabled until May's meeting due to a tie vote and one commissioner abstaining.

Skylar would like the boxcards to be submitted to the county by the end of May and the commissioners now have the boxcards to review.

John Gurganus asked the commissioners to look over the boxcards and be prepared for the May meeting.

Joe Templin stated Justin and himself voted yes, Phylis stated no, and Michelle abstained, which makes it a 2-1 vote so the president should not vote.

Paul stated a 3-1 vote would be a quorum. The chairman does have the right to vote if the chairman chooses to vote. Every elected official has the right to vote.

HIGHWAY: Phylis Dryden stated Met-Ed is working with a contractor to fix the damage from the outrigger from the accident along Lehman Street on March 2, 2024.

WATER: Michelle Testerman stated the daily average for the month was 31,250 gallons per day (GPD). The water tank is full. The total City of Lebanon Authority (COLA) water was 741 gallons which was used for testing. Michelle stated Source meters calibrations were completed. Michelle stated two operators attended PRWA conference for training.

SEWER: Michelle Testerman stated jetting was completed for one-quarter of the township's sewer pipes.

STORM SEWER/MS-4: Michelle Testerman asked Jackson Weaver from Chrisland Engineering for an update.

Jackson Weaver, Chrisland Engineering, stated the Chapter 94 report has been completed and submitted to DEP and the City of Lebanon Authority in February. Homes for Life subdivision plans was completed. David Homes is finalizing fees and agreements with North Lebanon Township.

Jackson stated regarding the retaining wall excavation, it appears that a stacked stone wall is being installed. Amy Leonard, North Lebanon Township solicitor, was contacted and is

investigating the need for a building permit. The wall is greater than the allowed 4 feet and some portions exceed 10 feet in height.

Joe Templin asked what the big poles were purchased for.

Antoinette asked if he is referring to the bollards.

John Brenner stated the bollards are for the fire escape out in front of the township building.

TOWNSHIP BUILDINGS: Joe Templin stated nothing to report.

RECREATION: Joe Templin stated nothing to report.

PUBLIC SAFETY/CODE ENFORCEMENT/SANITATION: Justin Snyder stated nothing to report.

GREEN WASTE/RECYCLING: Justin Snyder stated nothing to report.

Zoning:

Purchase Certificates issued as follows:

No. 4-2024 issued to Fitzgibbons Law Firm for the property located at 2306 Lehman Street
Lebanon, PA 17046. Seller's Name: Santelli Properties LLC. & Mextaky Group, LLC.
Purchased by: Alfonsia Ravelo de Ogando.

Zoning Permits issued as follows:

Z-05-2024 issued to Gary Schies, 2101 Church Street, for pool and deck.

FINANCE: Phylis Dryden made a motion, seconded by Michelle Testerman, and agreed by the Board to pay all the bills as submitted. All in favor.

OLD BUSINESS

Michelle stated something else that should be under old business is the employee cell phone. Michelle asked if any commissioners thought about approving a cell phone for the township manager.

Paul stated the agenda will have to be amended to vote on it due to the agenda getting published without the cell phone discussion on it.

Phylis Dryden made a motion, seconded by Michelle Testerman, and agreed by the board to amend the agenda to discuss the township manager's cell phone. All in favor.

Michelle Testerman stated that last month it was brought up about the possibility of purchasing a cell phone for the township manager so that her personal cell phone number is not given out. If she goes away, that phone can be given to another employee to take calls. It had been tabled until April to find out the cost per month for the cell phone.

John Brenner stated \$25.00 per month.

Michelle Testerman made a motion, seconded by Justin Snyder, and agreed by the board to obtain a cell phone for the township manager. It will be a township cell phone, to be used for township business only. All in favor.

NEW BUSINESS

Michelle Testerman made a motion, seconded by Phylis Dryden, and agreed by the board for approval for a full-time maintenance position. All in favor.

During discussion of the motion, Michelle asked why the board needs approval for another position when it is in the budget.

John Brenner stated that we just wanted the board to be aware the position is getting advertised.

Phylis asked if Alex was full-time or part-time.

John Brenner stated full-time.

Phylis asked if the full-time position was to replace the other individual.

Antoinette stated yes.

Phylis Dryden made a motion, seconded by Michelle Testerman, and agreed by the board to adopt Ordinance 538 amending Part 2 of the International Property Maintenance Code in order to provide for a new penalty section located at Section 5-202(D) of the West Lebanon Township Codified Ordinance and amending Chapter 10 Section 10-302 in order to delete certain sections which define nuisances under the Health and Safety provisions of West Lebanon Township Codified Ordinance. All in favor.

During discussion of the motion, Joe Templin asked where do all the changes come from.

Paul stated the recommendations came from the township's code enforcement officer.

John Brenner stated what the judge is finding for the penalty portion is that residents are getting fined up to \$1,000 per day and some refuse to fix the problem. The judge wants the authority to fine or incarcerate people. The other provisions which were changed were in the regular ordinance, which IPMC took over.

Michelle Testerman made a motion, seconded by Phylis Dryden, and agreed by the board to adopt Resolution 2024-06 for the intermunicipal agreement between North Lebanon Township and West Lebanon Township for 2024 paving projects for Union Canal Drive. All in favor.

Phylis Dryden stated she wanted to go back to something Bill Houser brought up earlier in the meeting regarding the president of the board voting. Phylis said it is not true that the president cannot vote unless to break a tie. Quoting from Frequently Asked Questions, a current edition of Robert's Rules of Order, she stated that the president is a member of the voting body and has the same rights or privileges other members have, including the right to make motions or to vote.

Phylis would like the board to discuss having rules and procedures for orderly meetings. She said the first-class township code does not set forth rules and regulations for meetings. She stated that the township may have rules and procedures for meetings which were established by ordinance, resolution, or by past practice. She quoted the First-Class Township Handbook as saying that rules and procedures can be changed at any time with a majority vote. Phylis stated she felt what the board should do is establish what the rules are and determine whether or not the president can vote. She recommended that the rules be according to Robert's Rules of Order and the First-Class Township Code.

Paul stated the Sunshine Law also governs that as well.

Phylis stated her wish is to establish a procedure and to table further discussion until the May meeting.

CORRESPONDENCE

Received checks as follows:

Rental License (3/5/2024)- 18 at \$50.00 totaling \$900.00.
Alden Avenue LLC- \$543.34 for C.M. High bills.
PA Liquor Control Board- \$350.00 for refund for liquor and Malt Beverage License fees issued August 1, 2023 to January 31, 2024.
Lebanon County Recorder of Deeds- \$661.50 for local realty transfer tax for the period from February 1, 2024 to February 29, 2024.
Huntlar Corporation- \$1,041.10 for Dual Meter Pit (\$937.50), Poly Lock Lid (\$42.50), Insulating Disk (\$26.00), ¾ Inch Coupling (\$13.00), CTS Coupling (\$22.10) for 1880 Alamo Way.
Huntlar Corporation-\$5,129.00 for 1880 Alamo Way Water Tapping Fee (\$500.00), Sewer Tapping Fee (\$1,000.00), and Sewer EDU (\$3,629.00).
Huntlar Corporation- \$1,000.00 for 1880 Alamo Way Recreational Fee.
Lebanon County Probation Services- \$18.22 for Vehicle, Crimes Code, and Miscellaneous Income.
North Lebanon Township- \$1,181.77 for February 2024 DJ (\$1,021.32) and February 2024 Public Safety (\$160.45).
Bennett Hyundai- \$20.00 for alarm permit.
Gary Schies- \$51.50 for zoning permit Z-05-2024 for pool and deck.
Rental License (3/11/2024)- 13 at \$50.00 each totaling \$650.00.
Anthony Fitzgibbons- \$50.00 for Purchase Certificate for 2306 Lehman Street.
Luis Pinales- \$10.00 for replacement Greenwaste Card.
Alarm Permit- \$20.00 for 516 N. 25th Street.
MM Brodie LLC- \$200.00 for mobile food tuck license.

Received letters as follows:

Annville Cleona Fire Department-requesting that Speedwell Engine and Hose is not dispatched to any calls in North Cornwall Township until further notice due to personnel issues.
Neversink Fire Company- requesting that Speedwell Engine and Hose is not dispatched to any calls in North Cornwall Township until further notice due to personnel issues.
North Cornwall Township- requesting that Speedwell Engine and Hose is not dispatched to any calls in North Cornwall Township until further notice due to personnel issues.
Comcast- information regarding programming advisory.
Brentwood Industries- informing the township the Lebanon Facility submitted the State-Only Operating Permit Renewal Application to Pennsylvania Department of Environmental Protection Air Quality Program.
Accord- Certificate of Liability Insurance for Zinn Insurance (Producer) for Hoffer Paving INC (insured.)
DJ-52-3-03: \$157.41 for March 2024. Local Ordinance (\$124.10), Title 18- Payable to Municipality (\$33.31).

The next meeting of the West Lebanon Township Board of Commissioners is Monday, May 6, 2024, at 7:00 p.m. at the West Lebanon Township Building, 322 North 22nd Street.

Michelle Testerman made a motion, seconded by Phylis Dryden, and agreed by the board to adjourn the meeting at 7:56 p.m.

Respectfully submitted,

Antoinette Issis, Secretary

Addendum to the minutes submitted by Phylis Dryden, Township Commissioner.

<https://robertsrules.com/frequently-asked-questions/#faq>

Robert's Rules of Order, Newly Revised in Brief.

“Is it true that the president can vote only to break a tie?”

No, it is not true that the president can vote only to break a tie. If the president is a member of the voting body, he or she has exactly the same rights and privileges as all other members have, including the right to make motions, to speak in debate, and to vote on all questions.”

Pennsylvania State Association of Township Commissioners. Pennsylvania First Class Township Handbook. Pennsylvania Government Administration Service, 1947. Out of print.

“Each township is free to establish its own order of business and rules for conduct and procedure. The township probably already has a procedure for its meetings which has been established either by ordinance, resolution or perhaps by tradition. Rules of procedure are always within the control of the majority and may be changed at any time by majority vote” (page 14).