

WEST LEBANON TOWNSHIP
June 3, 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 (absent)
Commissioner Justin Snyder	Township Engineer: Mr. Andrew Nye
Commissioner Phylis Dryden	Solicitor: Mr. Paul C. Bametzreider

Joe Templin made a motion, seconded by Phylis Dryden and agreed by the Board to approve the minutes as written May 6, 2024.

VISITORS' ADDRESS: There were 11 visitors in attendance.

Carmen Roderiguez, 344 N. 21st Street, addressed the board regarding the fence she placed in her yard. Carmen called the township a few times regarding a fence being put up and thinks she was misinformed by the township. Code Enforcement Officer Brenner and the Township Manager went over, and she was informed to stop work because no permits were issued. Carmen stated she was misinformed by the township about replacing the fence and she could not find what she was looking for on the township website. She received a NOV in the mail regarding the fence being put up without a permit, visibility issues, and the restrictions.

John Gurganus asked Carmen if she ever had her property surveyed to know where her property line ends. He recommends that all residents get their property surveyed to know where their property ends. Her property has an alley on the side.

Carmen stated she did not get her property surveyed. The contractor had called the township to find out what she needs to get done.

Michelle asked if the fence put up is the same height as the one that was taken down.

Carmen stated the fence is not the same height, and it is a vinyl fence and not a wooden fence. She was not expecting to get an NOV from the township because she had contacted the township and was informed that she did not need a permit.

Paul Bametzreider stated the issue regarding her fence is a zoning issue and has to be appealed to the zoning hearing board, or she has to comply with the NOV given to her. The board of commissioners has to decide whether or not to waive the \$500 fee for the application. If Carmen can prove the township misinformed her then she may have vested rights because she acted in the direction of the township.

Carmen asked how she can go in front of the zoning hearing board to appeal what was in the NOV.

Antoinette stated there is an application that needs to be filled out along with a \$500 fee that needs to be paid prior to the township proceeding with a zoning hearing. The application was sent to Carmen along with her NOV.

Phylis Dryden made a motion seconded by Justin Snyder to waive the \$500.00 fee for the zoning hearing board.

Antoinette stated she disagrees with the board waiving the fee.

Paul stated if the board waives the fee initially that would be setting a precedent for other residents who want to appeal their zoning issues.

Phylis amended the motion to state the township will refund the fee if the Zoning Hearing Board finds Carmen acted in accordance with how she was informed by the township.

Phylis Dryden made a motion seconded by Justin Snyder for the township to refund the \$500.00 fee if the Zoning Hearing Board finds Carmen acted in accordance with how she was informed by the township. Roll Call Vote was taken with three commissioners against it and two commissioners for it. Motion Fails.

Roll call Vote as follows:

Phylis Dryden: Yes

Justin Snyder: Yes

Joesph Templin: No

Michelle Testerman: No

John Gurganus: No

COMMITTEE REPORTS:

Treasurer's report:

Lebanon County Treasurer Real Estate Taxes collected are \$1,106.23 from 4/28/24 to 5/4/2024 Municipal (\$1,106.23), Street Light Taxes (\$0.00).

Lebanon County Treasurer Real Estate Taxes collected are \$32,617.87 from 4/28/24 to 5/4/2024 Municipal (\$31,406.67), Street Light Taxes (\$1,211.20).

Lebanon County Treasurer Real Estate Taxes collected are \$32,141.13 from 5/5/24 to 5/11/2024 Municipal (\$31,293.97), Street Light Taxes (\$847.16).

Total monies in all West Lebanon Township accounts as of May 31, 2024, are \$1,983,168.19.

Phylis Dryden made a motion, seconded by Justin Snyder and agreed by the Board to accept the Treasurer's report. All in favor.

POLICE: Chief Knight was in attendance and gave the report for the month of May 2024 as follows:

Total Calls for the month	57
Traffic Arrests	31
Criminal Arrests	12
Parking Tickets	24
Faulty Equipment Cards	10
Non-Reportable Incidents	13
Reportable Incidents	25
UCR Crimes	07

Chief Knight stated there were 422 total calls for West Lebanon and North Lebanon Township for the month of May. Chief Knight made everyone aware of an incident at Rutter's where they had placed a skimming unit over top of the card reader on May 22, 2024, and to be careful when using credit or debit cards. The manager happened to come up to help and noticed the one button looked slightly different and it was a good catch on his part. He had used both registers that night

and noticed something looked different. The skimming device collects information wirelessly. There are 2 suspects, and the police department is currently investigating. Paul Matters asked if it was inside the store and how they did that. Chief Knight stated yes inside the store and there is video of how they did it. The one was making a purchase and created a distraction while the other was putting it on. They do it at gas pumps, ATMs, and everywhere so just be cautious when using cards.

SPEEDWELL FIRE COMPANY:

Chase Testerman gave the following report for May 2024 as follows:
3 calls for the month with 19 personnel for 1.60 total hours with 6.50 manhours.
There were 5 meetings for 30.5 hours.

Chase stated going forward he will email his report to Antoinette to distribute to the commissioners. Chase stated he is sure that the commissioners received copies on their desks, and he would like to make changes to the boxcards if possible.

Phylis stated she thinks the public should know what Chase is referring to. The boxcards were sent to the county and placed in service on May 7, 2024. Chase sent an email to John Wilson at the county stating the following:

“Good afternoon Mr. Wilson, In recent weeks the former Chief of Speedwell Engine and Hose Company (station 39) resigned. With this resignation, it has come to our attention that recent changes to the boxcards may not have been made with the best interest of the citizens of West Lebanon Township in mind. Speedwell boxcards were updated and I know they are not to be changed on a frequent basis; however, with regard to safety of our citizens of West Lebanon Township I would like to request changes to the recently submitted boxcards. Would it be possible, as we feel we would be acting in the best interest of our citizens of West Lebanon Township citizens? I look forward to hearing from you.”

Chase stated when he and the former chief Skyler Ford made the boxcards, it was with the best interest of the citizens. In recent weeks, there was a significant number of resignations from other companies that were responding to boxcards. With that they were no longer efficient in what the fire department was using them for. The changes are needed to better supplement the way the fire protection would be.

Phylis stated in other words, Chase is making some changes, bringing the boxcards to the township for approval.

Chase emailed Mr. Wilson about them, and the response was the changes had to be approved by the commissioners.

Phylis stated she does not know much about fire protection, but she has friends who have had leadership positions in fire protection. She will be consulting with those individuals prior to approving changes.

Chase stated his phone number and email address are attached to the boxcard proposal and the commissioners can reach out and he can explain the changes. Chase is not going the route they did previously with having a special meeting because that cost money.

Michelle asked if Chase could get copies of the boxcards to the commissioners prior to next meeting to give them time to make an informed decision.

Antoinette stated Chase emailed a copy of the boxcards to her and the commissioners will have copies on their desks on June 4, 2024, to pick up and look over.

Chase stated Speedwell decided as a company to loan one fire truck to another fire company who is going through a hard time.

John Gurganus asked how that works with insurance.

Michelle stated there is a contract written between the two companies and insurances have been notified. Mr. Brenner is aware, and the fire company went through the proper channels prior to the fire truck being loaned.

John Gurganus thanked Skyler Ford for his time as fire chief and for his service.

HIGHWAY: Phylis Dryden stated nothing to report.

WATER: Michelle Testerman stated the daily average for the month was 42,130 gallons per day (GPD). The water tank is full. The total City of Lebanon Authority (COLA) water was 1,036,421 gallons.

Michelle Testerman stated the following:

1. Water tank maintenance was completed. West Lebanon is back on Township water effective May 22, 2024.
2. Rates for water while the township used city water is more expensive. She stated this because of rumors going around township.
3. Reminder for all residents that when filling pools using a garden hose, the water will go through your meter and residents will be billed on their quarterly water bill. Arrangements can be made to have the fire company fill the pools. Residents will have to pay the fee for water. The cost is \$7.50 per 1,000 gallons of water used to fill the pool and the invoice has to be paid prior to the fire company filling the pool.

SEWER: Michelle Testerman stated nothing to report.

STORM SEWER/MS-4: Michelle Testerman stated the Storm sewer pipe on 24th Street will need to be repaired. The storm sewer pipe caused a depression between Church Street and Lehman Street. A fill has been used in the depression until the storm sewer pipe is repaired

TOWNSHIP BUILDINGS: Joe Templin stated the bollards have been installed for fire escape outside the township building.

Joe Templin asked what the cost was for installing the bollards.

Antoinette stated the township purchased the bollards, paid for concrete placed around the bollards, and John and Alex had installed them. Without pulling out invoices, an exact cost will not be provided but it did not cost the township that much.

Joe stated he wants a cost because it was not brought up previously about putting them in unless it was brought last year.

Michelle stated it had to be done because the fire escape had to be torn down due to it being rusted and it was a liability per the insurance.

RECREATION: Joe Templin stated that grass and weeds are being maintained.

PUBLIC SAFETY/CODE ENFORCEMENT/SANITATION: Justin Snyder stated the following:

1. Several NOV were sent out for sanitation, high weeds, grass, and zoning this month.
2. Speedwell Boxcards #39-01 and #39-02 were submitted to Lebanon County Department of Emergency Services on May 7, 2024. Changes to boxcards were made by Lebanon County Department of Emergency Services were made live as of May 13, 2024.
3. The township received a resignation letter from Skylar Ford as fire chief on May 15, 2024.
4. John Wilson, Lebanon County Department of Emergency Services, sent an email on May 29, 2024 regarding changes to boxcards as requested to him by Chase Testerman.
5. There will be an introductory meeting for the regional fire study on June 11, 2024, at 4:00 pm via zoom. The township will have the meeting open at the township building.

GREEN WASTE/RECYCLING: Justin Snyder stated Greenwaste card renewals have been sent out.

Zoning:

Building Permits issued as follows:

B-07-2024 issued to Huntilar Corporation for 1763 Alamo Way for 24X35 SFD.

Zoning Permits issued as follows:

Z-12-2024 issued to Huntilar Corporation for 1763 Alamo Way for 24X35 SFD.

Z-13-2024 issued to Lizbeth Angueira, 505 N. 22nd Street, for chainlink fence.

Excavation Permits issued as follows:

E-01-2024 issued to UGI for 420 N. 23rd Street.

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

Phylis Dryden made a motion seconded by Justin Snyder to adopt Resolution 2024-09 adopting rules and regulations for orderly meetings.

Michelle Testerman stated that Paul, being township solicitor, can disagree why a commissioner abstains from a vote.

Paul stated there is a precedent for that based on what Phylis cited in her memorandum. Paul can disagree but at the end of the day there is case law that is on point that you are elected to vote and should vote if at all is possible. Even if Paul decides there is a legit conflict, an elected official, each commissioner has the right to determine if they do not want to vote. As it was said in Phylis' memorandum, commissioners are elected to vote. The electors are the ones who elected the commissioners, and they want to hear the votes on board issues.

Michelle asked whether she can vote on fire company issues.

Paul thinks it depends on the issue.

Michelle stated on 9/7/2021 they were informed by legal representation, that Michelle is not to vote on items relating to the fire company. Michelle asked if this is accurate?

Paul stated this has come up several times and what he recommends is for him to go back and look over some precedents and give the board a definite opinion on this matter.

Michelle stated she wants to make sure she is doing the right thing by choosing to abstain because of having the dual role.

Paul is going to look through some cases and the law that backs it up and will give a definitive opinion for Michelle to go back to.

Phylis stated in the minutes from May 6, 2024:

“It was brought up why she was a commissioner and not voting for fire department matters. On September 7, 2021, by the township solicitor, it was greatly encouraged that she does not vote on things involving the fire company due to being on the board and being a conflict of interest. Previous presidents, Mr. Fox and Mr. Pflueger felt it was the best decision at that time. She is on the board because she was elected by township residents.”

Phylis suggested to table this until the July 1, 2024, meeting for the solicitor to give a better opinion regarding Michelle voting with being both a township commissioner and vice president of the fire company.

Paul stated the township has functioned without the written rules for this long and suggested it be tabled until the July meeting.

Joe Templin stated there was a memo from March regarding a curb that was damaged by Met-Ed outrigger. Was that repaired?

John Gurganus stated it is being taken care of and it was in the meeting minutes it was going to be repaired.

NEW BUSINESS

CORRESPONDENCE

Received checks as follows:

UGI- \$212.50 for Excavation Permit # 01-2024.

Huntlar Corporation- \$222.00 for Building permit B-07-2024 (\$74.50), Zoning Permit Z-12-2024 (\$117.50), and administrative fee (\$30.00) for 1763 Alamo Way.

Rental License (5/10/2024)- \$50.00 for 522 N. 24th Street.

Rescue Hose Company No. 4- \$28.00 for 1st Quarter 2024 LST.

Lebanon Valley Mall- \$20.00 for alarm permit.

American Heritage- \$50.00 for rental license for 2420 Lehman Street.

Frontier- \$29.15 refund for sewer phone account for closing of account.

North Lebanon Township Police Department (5/15/2024)- \$250.00 for parking tickets.

Capitol Settlement Group- \$50.00 for purchase Certificate for 1930 Lehman Street.

Rental License (5/13/2024)- \$50.00 for 2420 Lehman Street.

JBT Cardmember services- \$625.00 for redeeming rewards on township credit card.

Lebanon County Recorder of Deeds- \$774.20 for Local Realty Transfer Tax from April 1, 2024 to April 30, 2024.

Lizbeth Angueira- \$51.50 for Zoning Permit Z-12-2024 for chainlink fence.

Gary Schies- \$90.00 for water used for filling 12,000-gallon pool by fire department at \$7.50 per 1000 gallons.

Rental License (5/23/2024)- 2 at \$50.00 each totaling \$100.00.

North Lebanon Township- \$760.23 for April Public Safety (\$122.68) and April 2024 DJ (\$637.55).

David Peiffer- \$25.00 for Pavilion rental with no electricity.

North Lebanon Township Police Department (5/29/2024)- \$125.00 for parking tickets.
Capitol Settlement- \$50.00 for Purchase Certificate Request for 1935 W. Cumberland Street.
Harry Fox- \$30.00 greenwaste card renewal for 2024/2025.
Rental License (5/30/2024)- 5 at \$50.00 each totaling \$250.00.
DJ-52-3-03: \$2,657.29 for May 2024. Local Ordinance (\$2,657.29), Title 18- Payable to Municipality (\$0.00).

Received letters as follows:

Erie Insurance- certificate of insurance for P G Martin Excavating LLC.
Skyler Ford- letter resigning as Fire Chief of Speedwell Engine and Hose.
Accord- Certificate of Liability Insurance for Seltzer Group Partners (producer) for Bartush Signs Inc., CBJB Realty LP, Bartush Industries LLC, Bartush Industries LLC D/B/A Defrost Signs Bartush Signs, Inc., D/B/A Bright Sign and Maint. Bartush Signs Inc. dba Neon by Frack 302 N. Washington Street, Orwigsburg, PA 17961.
Pennsylvania Department of Transportation- notifying that township state police fines and penalties payment of \$187.25 will occur June 3, 2024.
Jennifer Kuzo, Visit Lebanon Valley-Visit Lebanon Valley Experience the arts Visitors Guide for events throughout the Lebanon Valley.

The next meeting of the West Lebanon Township Board of Commissioners is Monday, July 1, 2024, at 7:00 p.m. at the West Lebanon Township Building, 322 North 22nd Street.

Phylis Dryden made a motion, seconded by Justin Snyder and agreed by the Board to adjourn the meeting at 8:02 p.m.

Respectfully submitted,

Antoinette Issis, Secretary