

**MINUTES  
NORTH LEBANON TOWNSHIP  
BOARD OF SUPERVISORS  
APRIL 22, 2019**

The regularly scheduled meeting of the North Lebanon Township Board of Supervisors was held at 7:00 PM at the Municipal Building located at 725 Kimmerlings Road, Lebanon, PA with the following people present:

Richard E. Miller	Chairman
A. Bruce Sattazahn	Vice-Chairman
Edward A. Brensinger	Treasurer
Cheri Grumbine	Township Manager
Harold L. Easter	Chief of Police
Amy Leonard	Henry & Beaver LLP

Also, in attendance were Chad Smith, SESI, Atty George Christianson, Ted Baxter and Matt Hetrick of Manna Foods, Tom Morrissey and several other individuals from the public. The meeting was called to order and the pledge to the flag was done.

**Governor's Awards for Local Government Excellence – Ed Brensinger**

Chm Miller stated it is his pleasure to announce that Ed Brensinger, Supervisor and Roadmaster for NL Twp, has received the Governor's Award for Local Government Excellence for 2019. He read a brief summary of Ed's activities and accomplishments that were considerations for his receiving this recognition. A certificate of recognition was also received from the State representatives and County Commissioners. Congratulations to Ed Brensinger for earning this recognition.

**Public Hearing to begin at 7:17PM**

**ORD #2-2019 – Zoning Amendment Petition – Sol Wolf**

**ORD #3-2019 – NLT/SLT Inter-Municipal Agreement for Paving – Sol Wolf**

**COMMENTS FROM THE PUBLIC**

**A.) E Lebanon Auto Land Development Plan - E Cumberland Street**

Mgr Grumbine reviewed some of the details for this expansion plan for the East Lebanon Auto property. This property is located on the northwest corner of E Cumberland St at Narrows Dr. The plan proposes a 2,505 SF building addition, additional paved area and stormwater management structures and features. A signed O&M agreement has been submitted for processing. The NLT Planning Commission and Lebanon County Planning Dept have recommended approval for this Land Dev Plan.

**MOTION** was made and seconded to approve the East Lebanon Auto Land Dev Plan along with their O&M Agreement. Motion unanimously carried.

**B.) Scott/Linda Artz Subdivision Plan – Water Street**

This plan shows a parcel being subdivided from existing lands owned by Scott & Linda Artz. The new 2-acre parcel will be used to build a home. The property is located on the east side of Water St and will be serviced by public sewer with an on-lot well for water. The driveway will access Water St with stormwater features and management also a part of this plan. A 50' right-of-way for future connection to Homestead Acres is shown on this plan as well.

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**Artz Subdivision Plan – Water Street (con't)**

In addition to the Plan approval a Planning Module Exemption Form with narrative, BMP O&M Agreement and a Park & Rec Agreement will need approval from the Board. The Planning Comm and LCPD are recommending approval for this plan and associated agreements.

**MOTION** was made and seconded to approve the Scott & Linda Artz Subdivision Plan, the Planning Module Exemption Form, the BMP O&M agreement and the Park & Rec Agreement. Motion unanimously carried.

**C.) Bennett Toyota/W Cumberland St - PADOT Permits; Chad Smith SESI**

Chad Smith, of SESI, spoke to the Supervisors about a Land Dev Plan proposed for W Cumberland St for Bennett Toyota. The plan is going through the review process for approvals. Smith explained there are stormwater problems being reviewed for corrective designs in this area. An issue has come up with application to the PADOT Highway Occupancy Permit process which will involve the existing stormwater design. Part of the planning for this new Toyota location is to help improve stormwater features and management for the neighborhood. However, some of the improvements involve connecting to the current stormwater pipe. PADOT has required that the permit application be placed under the name of North Lebanon Township. An application will not be accepted by PADOT unless it is the Twp named on the application. Smith told the Board the Twp will not be responsible for the maintenance of the stormwater features as the Twp stormwater ordinance spells out the private property owners are held responsible for anything that is located on their lands.

Smith told the Board that there does not seem to be any other option if this Land Dev Plan is to move forward. Suv Brensinger confirmed that this request involves only the one drain pipe connection. Smith agreed saying the future stormwater planning is a totally separate project from the Bennett project. The Supervisors asked Sol Wolf for his legal opinion on this type of documentation. Sol

Wolf advised the Supervisors take some time to review the information for the application and make sure the Twp is not agreeing to any responsibility for this property's stormwater or under Route 422 in PADOT Right-of-Way. Chm Miller verified with his fellow Supervisors that their wish is to table this issue until Sol Wolf and Mgr Grumbine have some time to review the documentation provided. All Supervisors indicated their agreement to table this issue until further review can be completed.

**D.) Hayes Eshelman – Marcon Dr**

Mr. Eshelman told the Supervisors he would like to know what he would be required to do to schedule and plan a neighborhood block party. The area would be Marcon Dr and surrounding neighbors. He explained it is a contained neighborhood with mostly property owners traveling the area. The idea would be to close off the street and have a party with neighbors. Chm Miller asked if a date has been chosen yet. Eshelman replied no, he wanted to get requirements first. It was suggested Eshelman get a list of the names and addresses of those involved, choose a date/time and then meet with Chf Easter to discuss what will need to be accomplished. Once all the information is in place, Eshelman should attend the Board meeting to provide all the exact information to the Supervisors.

**7:15 PM – Public Hearing Started****Ord 2-2019 – Zoning Amendment Hearing; 430 N 11<sup>th</sup> Ave, ES N 11<sup>th</sup> Ave, WS N 15<sup>th</sup> Ave**

Sol Wolf started by explaining the Zoning Amendment Application for Theodore Baxter, Manna Foods, and Morrissey's Holdings LLC will be tabled for this evening and will be continued during the May meeting of the Supervisors.

The NLT Planning Commission was not able to make a recommendation to the Supervisors on this request because they felt all applicable information was not provided to them. Their recommendation to the Supervisors was to table the Hearing on the application until May. Discussion was held about what would need to be completed before the May meeting. Atty Christianson replied he would be happy to hold the Hearing tonight. Both Manna Foods and Mr. Morrissey are present this evening. Sol Wolf questioned if both property owners agree as to what they envision for their properties and if their wish is to include their properties in the Amendment request? Mr. Morrissey offered no comment. The Board members all indicated they agreed to table the Hearing until the May meeting, so the Planning Commission would be able to receive the information they feel is missing from both property owners involved.

Suv Sattazahn felt it should be made clear to the Planning Commission as to whether Mr. Morrissey wants to include his property with this Zoning Amendment. Atty Christianson stated that his clients have been in negotiations but have not arrived at a definite plan as of now.

**MOTION** was made and seconded to postpone the Zoning Amendment Hearing for 430 N 11<sup>th</sup> Ave, ES N 11<sup>th</sup> Ave and WS N 15<sup>th</sup> Ave until the May Supervisors' meeting. Motion unanimously carried.

**Ord 3-2019 – NLT/SLT Inter-Municipal Agreement for Paving Project**

Sol Wolf explained North Leb Twp and South Leb Twp have been working together to improve an area where the road is divided by the 2 Townships. E Old Cumberland Street has been scheduled for paving in 2019. South Leb Twp has included this section of E Old Cumberland Stand S 15<sup>th</sup> Ave in their bids. Part of the process is adopting an Inter-municipal Agreement. South Lebanon has already adopted their Ordinance and signed their Inter-Municipal Agreement. The Hearing this evening is for NLT to adopt the Ordinance and approve the Inter-Municipal Agreement as part of the Ordinance (Exhibit "A"). The Supervisors are being asked to adopt the Ordinance tonight as well as approve the Inter-Municipal Agreement with South Lebanon Twp.

Sol Wolf asked for any questions from the Public. There were no questions or comments offered. He then turned the Hearing over to the Supervisors. All 3 Supervisors indicated they had no questions.

**MOTION** was made and seconded to adopt Ordinance 3-2019 along with the Intermunicipal Agreement between North Lebanon Twp and South Lebanon Twp for the paving project of E Old Cumberland St, between 15<sup>th</sup> Ave and Route 422 and S 15<sup>th</sup> Ave between Route 422 and E Old Cumberland St. Motion unanimously carried.

**Public Hearings Ended****E.) Pat Roeske – E Lehman St; Stormwater Issues**

Mrs. Roeske stated she is in attendance this evening to discuss the Zoning Amendment Application.

**E Lehman St; Stormwater Issues (con't)**

However, since that issue has been tabled, she will take advantage of the fact she has the Board's attention. The water runoff problems on E Lehman St and the surrounding area is what she would like to make the Board aware of. Mrs. Roeske showed the Board pictures of several different rainfall events and what the water had done to the area. She told the Supervisors when they heard about the possibility of building a large warehouse or factory they were worried about another large construction and additional water runoff problems developing. Mrs. Roeske told the Board that something needs to be done to correct all the water problems the E Lehman St area property owners have been dealing with.

Several other members of the neighborhood were present and agreed with Mrs. Roeske's comments as well as adding their comments to the conversation. Suv Brensinger told his fellow Board members he is aware of the water issues in this area. He had spent some time previously with Mr. Singer, who is present this evening, and reviewed the current stormwater features in place and knows there are some problems. The problems start down as far as the new Hampton Hotel, traveling to the WalMart area, under the railroad and continues down past the Aldi building. Debris is carried by the water flow and adds to blockage of the large stormwater pipe that is in place. The result is the blocked pipe does not allow the water to flow as it was designed to do. A large concern is felt by many of these property owners what is to happen if another large building is going to be built and will create more stormwater problems.

**Donna Stahley – 1101 E Lehman St**

Ms. Stahley stated there is no where for the water to flow, especially during heavy rain events. The water runoff comes from several different areas already. Any future construction will just add to the problem. The flow from Cedar Crest Dr and 11<sup>th</sup> Ave carries stone debris and other articles and deposits it on E Lehman St. The stormdrain in front of Giant has needed to be cleaned out because of the debris collections.

Suv Brensinger described the path the water flow follows in this area. He also commented that part of the problem is that the canal, on the west side, no longer exists. The canal, which existed in the past, had carried the water away and the water problem did not exist at that time. The canal no longer exists to transport the water away, which is one of many of the problems for this area.

**REVIEW OF STORMWATER CREDIT APPLICATIONS/ BMP O&M Agreements**

There were no Stormwater Credits to discuss.

**APPROVAL OF MINUTES**

The meeting minutes from 3/18/19 Supervisors meeting are ready for action.

**MOTION** was made and seconded to approve the 3/18/19 Supervisors meeting minutes. Motion unanimously carried.

**APPROVAL OF PAYROLL, FUND BALANCES and PAYMENT OF INVOICES**

**MOTION** was made and seconded to approve payroll, fund balances and invoices for payment subject to audit. Motion was unanimously carried.

**FIRE CHIEF'S REPORT – Steve Ronald – Ebenezer Fire Co****A.) Monthly Report – March 2019**

President Ronald reported on the responses from 3 of the 4 volunteer Fire Companies in the month of March.

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**Fire Chiefs March Report (con't)**

He reported a total of 36 responses with 133 personnel responding, and a total of 35.29 manhours. A total amount of 239.69 manhours for training exercises for the month of March. A summary has not been received from Rural Security Fire Co due to time constraints and will be submitted as soon as the Chief is able to complete the report.

**B.) Lebanon Co Dept Emergency Services Letter - Box Card Approvals by Board**

The box card changes had been tabled at last months meeting. Mr. Arnold stated the concerns from last months meeting have been answered. Mgr Grumbine reported the Twp has not received the latest documents if there have been changes made by the Fire Chiefs. The Board has not approved any box card changes. Mgr Grumbine said she will do some checking as to what is expected from the Twp at this point. She will try to have an answer for the May meeting.

**C.) ISO Rating**

Pres Ronald reported on some of the findings for the ISO survey in which the 4 Volunteer Fire Companies had participated. He discussed some of the areas that NLT Fire Companies had scored well in and some areas that may need to be addressed to get a better rating the next time this review comes up. Pres Ronald told the Board the “I Am Responding” system that has been added at the Fire Stations has proved to be a valuable tool in some of the reporting that is being requested. Mgr Grumbine requested a copy of the ISO summary report that Steve was reading from, which he willingly shared. The ISO is completed every 3 years.

**D.) Ebenezer Non-Emergency Listing**

Mgr Grumbine questioned the Non-Emergency listing that had recently been resubmitted. She stated that it appears that the only change was for the Easter Flower Sale to be expanded from April 21<sup>st</sup> to state April 18<sup>th</sup> through April 20<sup>th</sup>. Mgr Grumbine told the Board they should act on the list as it specifies the dates for the Easter Flower sale that was held last weekend. The first listing had the flower sale listed but did not have specific dates listed.

**MOTION** was made and seconded to approve the Easter Flower sale for Ebenezer Fire Co which was held April 18-20<sup>th</sup>. Motion unanimously carried.

**CHIEF OF POLICE REPORT – Chief Harold Easter****A.) Calls for Service –March 2019**

Chf Easter reported on the calls for service for the month of March. There was a total of 791 Police/Citizen calls in March. A total of 8,866 miles were driven on the patrol vehicles.

**B.) Monthly Code Enforcement Activity Report (Brenner/ Haase)**

Chf Easter confirmed the Supervisors had received the monthly Code Enforcement Report for March involving both John Brenner and Officer Haase.

**C.) 2019 Junkyard License Renewal – Robert Reazer; Elias Ave**

Chf Easter told the Supervisors he had completed an inspection for the Reazer Junkyard and has found everything in compliance. He is recommending the approval for the renewal of Reazer's Junkyard License for 2019-2020.

**MOTION** was made and seconded to approve the renewal license application for Reazer's Junkyard for 2019-2020. Motion unanimously carried.

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**TOWNSHIP MANAGERS REPORT – Cheri Grumbine, Twp Manager****A.) Weavertown Fire Co Request for Pavilion – Community Park**

Weavertown Fire Co is requesting the use of the Community Park for an appreciation BBQ on Saturday, July 28<sup>th</sup> and is requesting the fee be waived for the Fire Company. The Park & Recreation Board has already reviewed and suggested waiving the fee for Weavertown.

**MOTION** was made and seconded to waive the rental fee at Community Park on Saturday, July 28<sup>th</sup> for Weavertown Fire Co appreciation dinner. Motion unanimously carried.

**B.) Weavertown Fire Co Application for ZHB Variance – 1528 Suzy St**

The Weavertown Fire Co has submitted an application for a ZHB petition for a Variance to construct an 18' x 35' addition to the existing fire station. A variance is being sought to Part 10 Subsection 27-1003 1.B(3) Lot and Yard Requirements of the Zoning Ordinance to allow the proposed addition to be located 10' from rear lot line within the required 30' setback.

As owner of the property, the Twp had granted approval to the Fire Co to submit the petition, A Board member should attend the hearing on 4/23/19 to speak on behalf of the Board and confirm the Twp's agreement to the filing of the petition as well as provide the Twp's opinion for consideration of the variance request by the Zoning Hearing Board. After some discussion Suv Sattazahn offered to attend the ZHB meeting tomorrow night.

**MOTION** was made and seconded to authorize Suv Sattazahn's attendance at the ZHB meeting on 4/23/2019 @ 8pm to offer comments in support of the variance on behalf of the Board of Supervisors regarding the Weavertown Fire Co petition. Motion unanimously carried.

**C.) Pension Mortality Chart Changes**

A recommendation has been received from the Twp's Pension Actuary to adopt a new mortality table for both the Police and the Non-Uniform Pension Plan. In 2017, the actuarial valuation of each plan was prepared using the IRS 2017 Static Combined Table for Small Plans. The Actuary is now suggesting the mortality assumption for the Police Pension Plan be changed to use the PubS-2010 Mortality Table, the table based upon public safety government employees' mortality experience. The Actuary is also suggesting the mortality assumption for the Non-Uniform Employees' Pension Plan be changed to use the PUBG-2010 Mortality table based on general government employees' mortality experience. The Actuary will prepare the 2019 Actuarial Valuation Reports following the decision the Supervisors make on these suggested changes.

**MOTION** was made and seconded to approve the suggestions made by the Actuary for the Mortality chart changes regarding the Police and Non-Uniform Pension Plans. Motion unanimously carried.

**D.) Resolution #9-2019 – Destruction of Municipal Records**

Per a previously adopted Resolution, The Twp follows the PA State Municipal Records Manual for the destruction of municipal records. Resolution #9-2019 outlines records to be destroyed in accordance with the Manual.

**MOTION** was made and seconded to adopt Resolution 9-2019 for destruction (shredding) of municipal records according to PA Records Manual. Motion unanimously carried.

**E.) Pertinent Matters**

1. SW Consortium Update – Mgr Grumbine reported the next Consortium Meeting will be held Tuesday 4/23/2019 @ 10am. Both Mgr Grumbine and Chm Miller will be attending the meeting.

2. Update on FASP – The Twp received an invitation to tour the FASP facility and attend a meeting to discuss their financial report and future financial needs. This meeting is scheduled for 4/24/2019 @ 10am at the FASP facility on North 11<sup>th</sup> Avenue. Mgr Grumbine said the 2017 financial information was received and they are waiting for the 2018 financial records to be provided.

**SOLICITOR’S REPORT; Solicitor Fred Wolf -- Henry & Beaver****A.) Memorial Garden Agreement with Ebenezer Beautification Committee**

Sol Wolf reported the Ebenezer Beautification Committee is moving forward with their intention to file as a non-profit group with the State. Everything should be ready to approve and sign at the next meeting.

**B.) Agreement with Gerald Musser – Cul-de-Sac on Adjoining Property**

Sol Wolf reported that the Twp has been working with Gerald Musser, as the current owner of the area located on Jay St and Horizon Blvd, that will eventually be connected to Homestead Acres development by a connecting street. The current design plan is for a cul-de-sac until new development begins. An agreement has been drafted for future planning for the street connection between the 2 developments. Mr. Musser has received the draft of the agreement to review.

**C.) NCCS Extension Agreement – Portable Classroom Units**

An agreement had been in place with NCCS concerning the portable classroom placement during a proposed new construction, which did not take place. A new Land Dev Plan has been processed and approved. The agreement between the Twp and NCCS has been revised to reflect the date of August 31, 2020 as the date for removal of the portable classrooms.

**MOTION** was made and seconded to approve the amendment to the classroom agreement between NLT and NCCS. Motion unanimously carried.

**D.) Text Amendment – R2 Pocket Neighborhood -Public Hearing; May**

A Text Amendment for the R2 district concerning Pocket Neighborhoods has been discussed and drafted. Sol Wolf stated the draft of the Ordinance is now finished and the advertising for a Public hearing will be completed. The Public Hearing is suggested for May 20, 2019 @ 7:15 during the regular Supervisors meeting.

**MOTION** was made and seconded to approve Sol Wolf advertise the Public Hearing for Ord 4-2019 for the May meeting. Motion unanimously carried.

**COMMENTS FROM BOARD MEMBERS****A.) IONA Investment Group LP – LCCP Inspection- Suv Brensinger**

A meeting had been held on site @ 101 Old Ebenezer Road with Karl Kerchner, Roadmaster Brensinger and Jeff Horst, owner of the property. As a follow up to the meeting on 4/24/19 a written report has been received. A few minor corrections need to be made, such as filter sock replacement. A list was provided to Mr. Horst of items he needs to comply with for this property.

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**IONA Investment Group LP – LCCP Inspection (con't)**

Suv Sattazahn questioned if Mr. Heist should be provided a copy of the report as he had attended several meetings to question this project. Suv Brensinger replied the report is here, Mr. Heist can review the E&S report here if he wished to do so.

With no further business to discuss, meeting adjourned.

Respectfully Submitted,

Theresa L. George  
Recording Secretary