

**MINUTES  
NORTH LEBANON TOWNSHIP  
BOARD OF SUPERVISORS  
AUGUST 19, 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
Attorney Amy Leonard	Henry & Beaver LLP

Also, in attendance were Josh Weaber of Chrisland Engineering, Dan Martin of Blue Lake Builders, Bill Smeltzer, NLT Planning Commission Member, as well as members of the public. The meeting was called to order and the pledge to the flag was done.

**COMMENTS FROM THE PUBLIC**

**A.) Glenn-Lebanon Fire Co; Request for Capital Reserve Funds**

Mgr Grumbine reported that most of the firemen are at the scene of a barn fire on Morrissey Drive. Rich Werni, of Glenn-Lebanon Fire Co was scheduled to attend to discuss their request for the release of \$28,000 from the Capital Reserve Fund for Glenn-Lebanon Fire Co. This will be taken from the annual \$30,000 allocation provided to each Fire Company. G-L plans to use the funds to pay off their 2014 Pierce Rescue. All required documentation has been provided for this release of funds.

**MOTION** was made and seconded to approve the release of \$28,000 from the Capital Reserve annual allocation to Glenn-Lebanon Fire Co as requested. Motion unanimously carried.

**B.) Berenda Hill Stormwater Plan/ O&M Agreement – 1813 State Route 72 N**

Josh Weaber, of Chrisland Engineering, told the Supervisors this Stormwater Plan has been on the books for several months. It shows the construction of a single-family dwelling, detached garage, access driveway, stormwater management and a joint access maintenance agreement. It is an existing lot of record and will be serviced by on-lot sewer and well. A BMP O&M Agreement has been signed and provided to be recorded. Lebanon County Planning Dept and NLT Planning Commission have both recommended approval of this plan.

**MOTION** was made and seconded to approve the Berenda Hill Stormwater Plan and Operation & Maintenance Agreement for 1813 State Route 72 N. Motion unanimously carried.

**C.) Nolt Family Farms Land Development Plan; BMP O&M Agreement –  
1645 W Kercher Ave**

Josh Weaber is representing this plan also. The plan details a proposed hog barn to house 2400 hogs, a gravel drive area, and stormwater management structures/ features. The site access is via an existing gravel private lane (previously Hain Ave). The original address of 1700 Hain Ave has been re-addressed to 1645 W Kercher Avenue.

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**Nolt Family Farms Land Development Plan (con't)**

There are no sewer facilities proposed, however a well will provide water for the barn. A Manure Management Plan has been submitted with this plan and shows a calculation that this operation does not meet a CAO or CAFO which means a Nutrient Management or Odor Management Plan is not required. Some discussion was held about the proposed operation being able to handle 2400 hogs. The hog operation was described to the Supervisors. A concrete manure pit will be constructed under the hog barn to store the manure until it is cleaned out and dispersed on the fields at least once a year.

An Emergency Action Plan has been prepared and distributed to the NLT EMA Director, Police Chief and the NLT Fire Chiefs. A signed BMP O&M Agreement has been submitted for recording. LCPD and NLT Planning Commission have both recommended approval of the Land Dev Plan. A shared driveway agreement with 1705 Hain Ave was recorded at the time the Twp had vacated Hain Avenue. Suv Brensinger questioned if the recorded shared driveway agreement specifies shared maintenance of the driveway. He was told yes it does. Suv Brensinger commented this farm is in the Twp's Intensive Ag district.

**Susan Neon** - The Crossings, questioned the manure pit that had been mentioned. How does this manure, when applied to the fields, affect the wells and groundwater? Also how is the odor problem controlled? Josh Weaber explained the Manure Management Plan controls how much manure can be applied at one time as well as the process used to do the application. The manure pit is made of concrete walls and bottom so it should not leak into the ground.

**MOTION** was made and seconded to approve the Nolt Family Farms Land Dev Plan, BMP O&M Agreement for 1645 W Kercher Ave. Motion unanimously carried.

**D.) 777 N 8<sup>th</sup> Ave – R-2 Zoned; Blue Lake Builders, Potential Development**

Josh Weaber told the Supervisors he would like to get some direction from them on a few issues regarding the possible development on the west side of N 8<sup>th</sup> Ave near Cobles Bait Shop. The land is currently owned by Gloria Pushnik. Dan Martin of Blue Lake Builders has expressed an interest in developing the area as a townhouse community. The thought is to create townhouse units that can then be sold as single-family living. Mr. Martin would prefer to construct units in that number in the high 80s or 90 to maximize the potential of the area provided. In consideration for stormwater, setbacks and some other requirements, 88 townhouse units are shown on a sketch being provided.

There are 2-3 issues Josh and Mr. Martin are looking to resolve tonight if possible. After receiving some direction this evening, a more detailed Land Dev Plan can be drafted.

1. Cul-de-sac issue. A cul-de-sac is shown along with 2 possible streets in the development. Josh said he is hoping for a waiver from the “no cul-de-sac” regs with an agreement from the Supervisors. In order to maximize the land to its fullest and remain as all townhouse units as opposed to apartment units, the waiver to allow a cul-de-sac is being requested. Josh stated that if the cul-de-sac is not permitted a new design would have to be considered. The new design would probably have to be a combination of apartments and townhouse units. The apartment would probably be sold as a building unit and the owner would then rent the apartments. A lot of discussion followed about the negatives of a cul-de-sac when considering maintenance, especially snowplowing. Josh pointed out a snowplow maintenance area that was detailed on the sketch.

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**777 N 8<sup>th</sup> Ave – R-2 Zoned (con't)**

Roadmaster Brensinger said he has found the snowplow easement does not sit well with the specific property owner, whether they are aware of the easement or not. It just is not a positive thing for the homeowner. Mgr Grumbine told the Board the Planning Commission members agreed to defer to the Board and did not make a recommendation on the cul-de-sac.

After more discussion both Suv Sattazahn and Suv Miller told Suv Brensinger they agreed with him that a cul-de-sac is a definite no for this plan.

Suv Sattazahn asked about the possibility of getting an agreement from the current owner and negotiating a right-of-way through the property from N 8<sup>th</sup> Ave. Josh explained that in conversations Gloria Pushnik indicated she wanted to keep the existing dwelling and subdivide the lot off from the remaining acres. Josh said he is certain she would not go for the idea although he agreed to speak to her about the Board's suggestion.

Suv Brensinger suggested designing 2 apartment units to the rear of the development. The area would become a parking lot as opposed to the cul-de-sac idea. Whether or not it would work out that way, he thinks it could be an option.

2. Sidewalks. The next conversation was about sidewalks. Josh Weaber asked the Supervisors if they preferred sidewalks on both sides of the street. The Supervisors were all in agreement that there must be sidewalks for the residents living there to move throughout the community.

After some discussion the Supervisors indicated they agreed on sidewalks for the outside loop. The Supervisors discussed the 2 proposed accesses to the developed area. With so many streets on the east side of N 8<sup>th</sup> Ave, it would seem good planning to try to line up with one on these streets as opposed to adding 2 more access onto 8<sup>th</sup> Ave. Josh explained there are not many options due to the wetland areas and the existing tree line. In order to get the number of units the developer is seeking; the access points are limited.

3. Townhouse or Apartments – Josh started a discussion about the density regulations and the types of housing units that could be planned and constructed. He told the Board that this sketch which is showing 88 units does not fit the existing Ordinance regulations. The regulations state 6 townhouse units per acre and 12 apartment units per acre are permitted. The question is, are the Supervisors comfortable with a combination of the apartment units and townhouse units or would a Text Amendment be preferred to address the density issues. Conversation followed about the allowable number of units. Suv Brensinger said it appears there are options for a design that will achieve the numbers the developer wants. He said the combination of apartment units and townhouse units create no problem to his way of thinking. Suv Miller said he still would like to have the Solicitor review the density calculations just for his understanding. Josh repeated that if there is no objection to apartments, a design can be laid out within the Ordinance regulations. The Supervisors, after some more conversation, told Josh they are of the opinion that there are options that can be worked within the Ordinances as written. Josh Weaber agreed saying now that he knows the Board's feelings on a combination of townhouses and apartments, they will move forward with the design.

**777 N 8<sup>th</sup> Ave – R-2 Zoned (con't)**

The Board asked Bill Smeltzer, PC Member, if he would like to add anything to the conversation. Member Smeltzer told the Supervisors he feels they are headed in the right direction with the decisions made tonight. He understands the developer will need to maximize the number of units to the fullest potential for the property. However, he feels if the Board starts making exceptions from the Ordinances, the Board will lose its authority over the planning process. Smeltzer said the Board is giving Josh a direction so he can go back to the drawing board to draft a design that will work within the current regulations.

Discussion continued about the possibilities of other options for the layout design of the development. The Board told Josh they have no objections to having a mix of apartments and townhouses.

**C.) Lee Spencer - Lake Dr**

Mr. Spencer said he would like to thank the Board, the Highway Crew and the staff for the paving of Water Street. It has improved the neighborhood and is appreciated by all the people who travel the area.

**Review of SW Credits Applications and BMP O&M Agreements**

There are no Stormwater Credit Applications to discuss this month.

**APPROVAL OF MINUTES**

The meeting minutes from 7/15/19 Supervisors meeting are ready for action.

**MOTION** was made and seconded to approve the 7/15/19 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**

There were no Fire Chiefs available to provide the July report due to an active barn fire that required all their attention.

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

Chief Easter reported on the calls for service for the month of July. A total of 839 Police-citizen contacts were listed and 8,981 miles were driven on the patrol vehicles.

**B.) Monthly Code Enforcement Activity Report**

Chf Easter had provided the Supervisors with the monthly Code Enforcement Report for July.

**C.) Ride-Along – John Brenner**

Chf Easter told the Supervisors that a ride-along is usually approved by the Supervisors on a ride-by-ride basis. Recently John Brenner, Code Enforcement Officer for NLT, completed a few ride-alongs. These ride-alongs have proved to be beneficial. Chf Easter is asking for approval for John Brenner to do ride-alongs when the issue arises and would be beneficial to his Code Enforcement activities.

**MOTION** was made and seconded to approve the ride-along program for John Brenner as Code Enforcement Officer for NLT when warranted. Motion unanimously carried.

**D.) Congratulations to Kyle Knight (Sgt Knight's son)**

Chf Easter commended Kyle Knight for his graduation and commissioned as Second Lieutenant in the US Army. He will be attending Ranger School.

**TOWNSHIP MANAGERS REPORT – Cheri Grumbine, Twp Manager**

**A.) Non-Emergency Activity – August 17, 2019**

Weavertown Fire Co had been contacted by R. Field & Stream about a Fireworks event to be held 8/17/2019. They informed Weavertown Fire Co “consumer” grade fireworks would be used. Don Steiner Jr requested approval for the 4 Fire Companies to participate in the event they would need manpower should a situation occur. Mgr Grumbine is asking the Board to ratify the approval given to the Fire Companies for the event that took place this past weekend, prior to the Board of Supervisors meeting.

**MOTION** was made and seconded to ratify the Fire Companies participation in a Fireworks Event hosted by R. Field & Stream on 8/17/2019. Motion unanimously carried.

**B.) Ebenezer Beautification Committee**

The Ebenezer Beautification Committee is holding a chicken-BBQ on 8/28/19 and is asking permission to utilize the parking lot at the Lions Lake dam breast, off State Route 72 N/ Jay Street.

**MOTION** was made and seconded to approve the Ebenezer Beautification Committee's use of the parking lot at the Lions Lake dam breast for a chicken-BBQ on 8/28/19. Motion unanimously carried.

**C.) SMT Safety Grant Program – 2020 Application**

The 2020 grant application has been completed requesting rear view cameras for the Twp's larger pieces of equipment (dump truck, loaders etc). The Grant amount is set at \$1000 and requires a \$1000 match by the Twp. This equipment meets the intent of the Grant by improving worker safety. The Board is being asked to authorize the submission of the 2020 SMT grant application. Suv Brensinger informed the Supervisors this Grant has criteria stating the funds must be used for worker safety.

**MOTION** was made and seconded to authorize submission of the 2020 SMT grant application. Motion unanimously carried.

**D.) 2018—904 Performance Grant Application**

As Recycling Coordinator, Bonnie has prepared the 2018, 904 Performance application for the Board's signature. The projected amount for the 2018 tonnage is \$18,832.16. Bonnie's Memo dated 8/19 provides the history of this annual performance grant. Mgr Grumbine is asking the Board to authorize the 2018, 904 Performance Grant Application.

**MOTION** was made and seconded to authorize preparation and submission of the 2018, 904 Performance Grant Application. Motion unanimously carried.

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**E.) Tree Dedication at Community Park**

The Park & Rec Board is recommending the dedication of a tree at Community Park in memory of Steve Smith. A tree is available next to the tree dedicated to Jay Snavely (previous Park & Rec Board member and Twp employee). The only expense for the Twp would be for a dedication plaque.

**MOTION** was made and seconded to approve a tree dedication and purchase of a plaque for Steve Smith to be placed in the Community Park. Motion unanimously carried.

**F.) Stubborn Dutchman Zoning Amendment Request**

Mr. Gosling and Bob Gearhart (M&H) reviewed the request of changing from a C1-A (Neighborhood Commercial) to a C-2A zoning (General Commercial) with the Planning Commission during their August meeting. The PC recommended approval of the Zoning Amendment Request for the Stubborn Dutchman property at 1840 State Route 72 N.

A request for Julie Cheyney, LCPD, to provide a recommendation was sent. The request had asked her to respond by August 12, which did not happen. Hopefully a response will be received this week. Mgr Grumbine is asking the Board to approve moving forward with a Public Hearing to take place at the October 21<sup>st</sup> meeting. Discussion about the zoning of General Commercial for this area was held. Suv Sattazahn stated he is confused why it is currently Neighborhood Commercial. Mgr Grumbine replied it had been AG and several years ago the owner requested a change to Neighborhood Commercial.

**MOTION** was made and seconded to approve the Solicitor preparing required documents and the advertising of a Public Hearing on the Zoning Amendment Request from the Stubborn Dutchman for the 10/21/2019 meeting. Motion unanimously carried.

**G.) Pertinent Matters**

1. SW Consortium Update – The next Consortium meeting is scheduled for Tuesday 8/20 at 10:00am. The August meeting is the annual meeting when the group reviews the following:

- Vote on BMP Projects to fund for 2020
- Changes/revisions to Annual Action Plan
- Presentation & approval of Financial Report
- Presentation & approval of Progress Report
- Presentation and approval of Budget
- Presentation & approval of Annual PRP Report by SESI
- Establish & approve dates for 2020 meetings

The wait continues to hear from DEP regarding comments/approvals of the resubmitted PRP. The Supervisors discussed some of the projects that have been started or completed and the Consortium members have received credit for.

2. Update on FASP – Chm Miller had attended a meeting on 7/24/19 and updated the Board on some of the conversations. Mgr Grumbine stated an email had been sent announcing the resignation of Bryan Smith, Executive Director. Two existing employees are being placed in leadership roles to take over in the interim until a direction is determined for FASP. Suv Miller stated the ambulance will remain housed at the Ebenezer Fire Co. Discussion on future financial expectations from North Leb Twp was held by the Supervisors. A September meeting has not been announced at this time. However, Suv Miller has offered to hold the next meeting here at the Twp meeting room.

3. AG Security Renewal Update – According to the responses received after a general mailing to AG property owners, 13 properties are to be added and 4 removed from the Ag Security Program Amendment listing. Of the 4 being removed 2 are properties that will be joining Swatara’s Ag Security. The remaining 2 are smaller properties requesting to be removed amounting to approximately 6.4 acres.

The information will be forwarded to the Ag Security Advisory Committee, the NLT Planning Commission and Lebanon County Planning Dept asking for a recommendation as required. Mgr Grumbine is asking the Board to authorize Atty Leonard and Mgr Grumbine to work on advertising the Public Hearing, probably at the October meeting, after a review is completed to ensure all regulations are met before finalizing.

**MOTION** was made and seconded to approve Atty Leonard and Mgr Grumbine working together to review and advertise the scheduling of AG Security information for a Public Hearing during the October Board of Supervisors meeting. Motion unanimously carried.

4. Letter to PADOT on Truck Turning Restrictions – A letter dated 7/26/2019 had been mailed to PADOT requesting that they review truck turning restrictions for 2 intersections:

- Tunnel Hill Rd @ Windsor Drive
- Weavertown Rd @ N 8<sup>th</sup> Avenue

Mgr Grumbine received a response letter on 8/08/19 stating PADOT will perform this review as a follow-up from our 2017 studies. However, the letter stated that in the future, North Lebanon Twp will be responsible to determine if such restrictions are warranted at other locations where a local road intersects with a state-owned highway. They anticipate that the review will take 30 days for completion of the studies for the 2 intersections stated above. A study should be received by the September meeting.

5. Godshalls Zoning Amendment Request - Mgr Grumbine reported she and Suv Miller had met with representatives of The Crossings’ HOA to hear their thoughts and concerns regarding the Godshall’s Zoning Amendment Petition. Sol Wolf reported he had received a phone call from the attorney for Briar Lake and the attorney for Godshall’s, both of which reported discussions were going well. Another meeting is planned for the last week of August or the beginning of September.

In order to meet all the requirements for posting the properties and sending notices to surrounding residents the earliest another Hearing could be scheduled is November (only if all the information is provided at the Sept meeting).

### **SOLICITOR’S REPORT; Atty Amy Leonard -- Henry & Beaver**

#### **A.) Quit Claim Deed – Sunnyside/Belleview Rd**

Atty Leonard reminded the Board they had vacated all rights to the Sunnyside/Belleview Road located off W Cumberland Street. Due to one of the 2 property owners involved and wanting to construct on the portion of Belleview Rd, The Twp is now being asked to compete a Quit Claim Deed for Belleview Road to both affected property owners. One of the property owners has volunteered to assume all costs associated with the Quit Claim Deed.

**MOTION** was made and seconded to authorize Atty Leonard to prepare the Quit Claim Deeds for both property owners involved at the expense of one of the property owners. Motion unanimously carried.

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**COMMENTS FROM BOARD MEMBERS****A.) Suv Brensinger – Paving Projects**

Suv Brensinger reported the paving of Water Street, Narrows Drive and the additional walking path at Lenni Lenape have been completed. Line striping is next and after receiving quotes, he has chosen Berks Traffic, who has done striping for the Twp in the past.

**B.) Suv Sattazahn**

Suv Sattazahn asked about the re-opening of the bridge on Mount Zion Road. Suv Brensinger replied he does not know what the hold is on opening the bridge. The line striping is completed which indicates it is ready to go. The next remark Suv Sattazahn made was to commend the Highway crew and Roadmaster for working on and resolving the issues after the completion of the paving projects.

**C.) Suv Miller**

Suv Miller thanked Bob Phillips for meeting with the NLT Fire Chiefs on 8/07 to hear and discuss the firefighters' concerns about the new CAD system for County EMA. Suv Miller stated the Fire Chiefs expressed their appreciation for the Twp's support of the volunteer Fire Companies.

With no further business to discuss, meeting adjourned.

Respectfully Submitted,

Theresa L. George  
Recording Secretary