

MINUTES
NORTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS
September 21, 2020

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:

In person:	Richard Miller	Chairman
	Ed Brensinger	Vice-Chairman
	Arden Snook Sr	Treasurer
	Cheri Grumbine	Township Manager
	Amy B. Leonard	Henry & Beaver LLP
	Harold Easter	Chief of Police

Also present were Brian Vragovich from GLFC, Eugene Rank, Atty James Strong from McNees in Harrisburg, Joe Eisenhauer and Cliff Weaver from Landmark, Chad Smith from Steckbeck Engineering, Donald Steiner, Sr. from Weavertown Fire Company, Allen Firestine from Rural Security Fire Company, Douglas Stump from LDNews, and Heather Wenrich, NLT employee. Several members of the public were also in attendance as well as via ZOOM option.

The meeting was called to order and the pledge to the flag was made.

COMMENTS FROM THE PUBLIC

A.) Brian Vragovich – GLFC

Mr. Vragovich is looking at holding Facebook Live Events for fundraisers since they are not holding bingo. This is a non-emergency activity to be covered under worker's comp. The events would consist of weekly raffle drawings which would be done online. He also suggested a potluck dinner weekly or monthly beginning in November on a Friday or Saturday evening.

MOTION to approve the Facebook Live Fundraiser Events and Potluck Dinners to their non-emergency activities list was made and seconded. Motion unanimously carried.

B.) Gene Rank – 1613 Edna Street

Mr. Rank attended the meeting to discuss a driveway issue. The issue is rainwater runoff flushing stones from Rank Dr. onto Edna Street. He would like someone to address this issue to see if there is a way to prevent this from happening.

VC Brensinger stated he did look at the issue and understand the dilemma and has spoken to the water authority. He stated there is another home near the water tank and that is someone's driveway. His question to the water authority is if the driveway is their property or is it the driveway to the house. He has yet to get an answer from the water authority. The options to fix this issue would be paving of the driveway to stabilize the area to keep the stones from washing out onto Edna St. or they would have to create diversions to relief the water into the woods to the North.

Mr. Rank's main issue is constantly having to clean the stones up from the water runoff. His impression was that the right-of-way was put in for the water tank, not the house. The water tank was on the property first.

VC Brensinger stated he will continue to talk to the water authority to see if they have ownership of that driveway and if they would be willing to add paving of this driveway up to the water tank to the list of projects they have. He stated that driveway and Rank Dr. is the water company's responsibility. Rank Dr. is not on the Township's liquid fuels map. He stated the township does not normally pave private driveways. VC Brensinger told Mr. Rank that the Township will gladly come by with the streetsweeper to sweep up the stones when he has these issues. He just needs to give the Township a call.

Treasurer Snook asked VC Brensinger if it would benefit Mr. Rank to contact the water authority himself. VC Brensinger said that Mr. Rank certainly can contact the water authority. Mr. Rank stated he will do that.

**C.) Sherwin Williams
Stormwater**

Date Submitted: 07/16/2020
Engineer: SESI

Location: 3050 Hanford Dr.

Chad Smith from Steckbeck Engineering was present. This plan proposes a Rail Loading Building and includes Stormwater Management Facilities. A proposed rain garden is featured just South of the building, which would collect all the rainwater from the building. The property will continue to be serviced with public water and public sewer. North Lebanon Township received a clean letter from Lebanon County Planning Department on 09/14/2020. The Township's PC members reviewed and recommended approval at the September 14th meeting.

MOTION to approve the Sherwin Williams SW plan was made and seconded. Motion unanimously carried.

D.) Landmark - Briar Ridge Community

Atty James Strong from McNees in Harrisburg, Joe Eisenhauer and Cliff Weaver from Landmark, and Chad Smith from Steckbeck Engineering were in attendance to discuss the proposed multi-family apartment community consisting of 144 garden apartment units situated off N. 8th Avenue and Kimmerlings Rd. Atty Strong stated the property is approximately 17 acres and is zoned R2 (high density residential) and is a by-right use to erect garden apartments in this space. Property is situated between Briar Lake and The Crossings of Sweet Briar (both 55+ communities). There are no elevators in the buildings. The buildings do have sprinklers and all required fire walls to ensure safety of those living in these apartments. The parking lot and access drives would be serviced by Landmark.

Landmark originally met with Township and County staff in March and were directed to go to the Township Planning Commission and Board of Supervisors for thoughts on the two plans relating to zoning. However, because of Covid, they were unable to present plans and a decision was made by Landmark to submit an application for variances before the Zoning Hearing Board. Atty. Strong stated Landmark realizes now that this was not the right direction and have placed the application on hold.

Landmark presented this proposed plan to the Township's PC members on September 14th and it was their consensus that Landmark should be required to meet all the zoning ordinances of the

Township and NOT request any waivers. Thus, the Township prefers the zoning sketch that shows 12 buildings that contain 12 units/buildings for the 144 apartments.

Two zoning exhibits were presented this evening for development of the property. One, which is Landmark's preferred plan, shows (6) 3-story apartment units consisting of 24 garden apartments in each building and a community building. There would be 2 ½ parking spaces per unit. Buildings would be 39 ½ ft. tall. This plan would require zoning relief but proposes more green space. The alternative plan shows (12) 2 ½-story units consisting of 12 garden apartments in each building with 3 parking spaces per unit. Buildings would be 35 ft. tall. This alternative plan does not require zoning relief but presents a bigger SW challenge and a reduction of green space. This plan also meets all North Lebanon Township ordinances. No Land Development plan has been filed at this time, as the two plans are being shown for zoning purposes only.

Atty Strong read off a list of zoning relief items that has been requested with Landmark's preferred plan. This list includes special exceptions for building height, the number of units in a building, the balcony square footage for each unit, the patio square footage for each first floor unit, parking spaces per unit, setbacks for access drives, locations of access drives, and building setbacks from paved parking areas, location of off street parking, and the time frame for expiration of special exceptions. Atty Strong stated that all these special exceptions that Landmark is asking for are design related.

VC Brensinger questioned the setback for the plan of (12) 2 ½ story units. Mr. Smith stated the setback is 30 ft. Landmark's preferred plan has a setback of 100 ft.

VC Brensinger also asked Mr. Eisenhauer if he could give them a list of other locations where Landmark built similar developments so the Township could visit them in person to get a better idea of what the plan would look like. Mr. Eisenhauer stated Landmark's Holly Tree Apartments located between Manheim Pike and Fruitville Pike is like the preferred plan they are presenting this evening. It consists of 180 units and there are approximately 362 residents residing in those 180 units. Mr. Eisenhauer stated that it has been found that a strong percentage of people residing in these types of apartments are 55+ residents. Out of the 362 tenants at Holly Tree, 35 of them are school age (less than 10%). Currently the cost of a 2-bedroom rental apartment in the Manheim area is approximately \$1200/month. There is another community in Ephrata named Creek Corner off Rt 272 and Meadow Valley Rd. that is similar to this plan.

Mr. Eisenhauer stated Landmark will be obtaining a traffic impact study and will work with the Township to address those concerns.

Treasurer Snook questioned whether 6 buildings are more economical than 12 buildings. Mr. Eisenhauer stated from a construction standpoint they would be in and out quicker but no there is nothing drastic economical wise.

Atty Strong asked for direction/feedback from the Board so Landmark can determine how they will proceed with the plan.

Bruce Sattazahn from Weavertown Rd. questioned the setback. Mr. Smith stated the ordinance requires that they be setback 150 ft. from any driveway, street, or intersection. Mr. Sattazahn questioned if they meet those requirements and Mr. Smith said that they do not.

Eugene Rank questioned if the area being discussed was the old tree farm. VC Brensinger said no and stated that it is located at the SE corner of N. 8th Ave. and Kimmerlings Rd.

Donald Steiner, Sr. questioned whether the entrance to the development would be aligned with Josephine Ann Dr. Mr. Smith said it would be offset to the North. Mr. Steiner also questioned the height of the buildings. He stated that a 3-story building plus the setback would be hard for the fire companies to access the roof because their ladder height is only 100 ft.

Chm. Miller stated that he is happier with the 2 ½ story building plan.

Solicitor Leonard asked the Board if they could provide any input to Landmark at this time. Chm Miller stated that there are some zoning regulations that have been in existence with the Township that benefit the Township residents as well as the creation of any housing or apartment complexes and he thinks Landmark would be well guided to review them and create their plan in league with the various zoning regulations that the Township has.

VC Brensinger stated that he personally thinks 2 ½ parking spaces would be acceptable. He also reiterated that he would like to view the other communities Mr. Eisenhower mentioned so that the Township can get a better perspective of this plan. VC Brensinger thinks the (6) building plan provides more open space and is more neighborly.

Mr. Weaver stated ordinances continue to change as well as how things are constructed.

Treasurer Snook stated that there is a similar project going on down the road from where Landmark is hoping to build, and that company has conformed to all the Township ordinances and have not asked for any concessions. He stated that as a Board he feels they need to be consistent.

VC Brensinger thinks that most of the Board would like to see the higher number of buildings but less units per building.

Mgr. Grumbine and Solicitor Leonard addressed all questions concerning this project from the public that were tuning into the meeting via ZOOM.

E.) Rock Properties Withdrawal – Subdivision Land Dev Plan – 650 Weavertown Rd.

The LCPD received a letter, dated September 2, 2020, to withdraw the final subdivision and land development plan that was approved in September 2019 for the subdivision and placement of a single-family dwelling. The plan was not recorded so they asked to withdraw, as they no longer wish to pursue this building lot at Weavertown Terrace apartments.

MOTION to approve the Withdrawal of Rock Properties Subdivision Land Development Plan at 650 Weavertown Rd. was made and seconded. Motion unanimously carried.

REVIEW OF STORMWATER CREDIT APPLICATIONS/ BMP O&M Agreements

829 Briar Rose Ave. – Donald Durkin

Stormwater fee credits may only be given when a Stormwater BMP is located entirely within the confines of the subject property and the property owners accept maintenance responsibilities for that BMP. The property at 839 Briar Rose Ave. does not contain the entirety of a Stormwater BMP and is therefore not eligible for a fee credit. While the applicant has provided notes regarding a vegetated swale and extended detention basin, only half of the swale is located on the subject's

property and the extended detention basin is located on a neighboring property. Therefore, Dan Cannistraci is recommending that the credit application be denied.

MOTION to Deny the Stormwater Fee Credit Application for 829 Briar Rose Ave. was made and seconded. Motion unanimously carried.

APPROVAL OF MINUTES

The meeting minutes from the 08/17/2020 Supervisors meeting are ready for action.

MOTION to approve the 08/17/2020 Supervisors meeting minutes was made and seconded. 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 unanimously carried.

FIRE CHIEF'S REPORT – Donald Steiner, Sr. – Weavertown Fire Co.

A.) Discussed the number of calls, responses, trainings, and aid for the month of August.

CHIEF OF POLICE REPORT – Chief Harold Easter

A.) Calls for Service

Chief Easter read the report on various calls for service for the month of August. There was a total of 9,631 miles reported for patrol.

Chief Easter extended congratulations to Detective David Lauver on his retirement after serving 20 years. He wishes him well in his future endeavors.

VC Brensinger questioned as to whether Detective Lauver's official resignation letter was received. Chief Easter stated he has it but Detective Lauver is not officially resigned until 11/04/2020.

B.) Monthly Code Enforcement Report (Brenner & Haase)

The Board received a written report on Code Enforcement from Brenner & Officer Haase.

TOWNSHIP MANAGERS REPORT – Cheri Grumbine, Twp Manager

A.) Res #18-2020 – Release of \$120K Cap Reserve Funding – RSFC

Allen Firestone, Chief of the Rural Security Fire Company attended previous meetings of the Board to update the Board on their intentions to purchase a new piece of apparatus in 2020. They have signed a contract to purchase a 2021 Pierce Saber Pumper Tanker and equipment. They have provided the following information:

1. CPA Audited Financial Report for 2019.
2. 990 Form filed for 2019.
3. Letter from Fire Company President and Minutes of Official Meeting approving the equipment purchase by the membership.
4. Copy of Agreement with Vendor for equipment.
5. Loan Agreement length and percentage (Kansas State Bank / PEMA).
6. Certificate of Insurance on file.
7. Check Written Policy on file

They are requesting the release of \$120,000 (2017-2020 reserve) to put towards the \$125, 000 down payment required with their order. RSFC will place \$5,000 of their own funds to make up the difference.

Solicitor Leonard and Mgr. Grumbine prepared Resolution #18-2020, authorizing the release of the \$120,000 funds from the NLT Fire Company Capital Reserve Fund held by the Township. Starting in 2017 and every year thereafter, the township placed into this fund \$30,000 for each of the fire companies to accumulate for the future purchase of fire company equipment/apparatus, which requires approval by the Board for release. A MOU was signed by each fire company outlining the stipulations for releasing monies from this township-maintained fund.

MOTION to adopt Res #18-2020, authorizing the release of \$120,000 from the NLT Fire Company Capital Reserve Fund to the RSFC, towards the 2021 Pierce Saber Pumper Tanker and equipment was made and seconded. Motion unanimously carried.

Allen Firestine stated that expected delivery of the Pumper Tanker will be May 2021.

Chm Miller asked where the truck is being built. Mr. Firestine stated Bradenton, FL.

B.) Tree Dedications

There were several Tree Dedication Agreements presented to the Board.

Community Park - #7 – Patricia Troain
- #8 & #9 – Leslee Showers
Lennie Lenape Park - #5 – Tina Pitt
- #9 – Laura Sutherly

Signed agreements and payments have been received.

MOTION to approve the Tree Dedication Agreements for Community Park, Trees #7 (Patricia Troain), #8 and #9 (Leslee Showers) and the Tree Dedication Agreements for Lenni Lenape Park for Tree #5 (Tina Pitts) and #9 (Laura Sutherly) was made and seconded. Motion unanimously carried.

C.) Budge Workshop Dates – Authorization to Advertise

Mgr. Grumbine asked the Board to authorize the advertisement of the following Workshop dates, if all were able to attend:

Oct. 5th – 3:00 p.m.
Oct. 7th – 6:00 p.m. (starts with the Fire Chiefs)
Oct. 21st – 3:00 p.m.
Oct. 27th – 3:00 p.m.

MOTION to approve the advertisement of the dates/times as listed above was made and seconded. Motion unanimously carried.

D.) Ebenezer Baseball Association Request to Install Permanent Fence

The Board previously discussed the request by the Ebenezer Baseball Association to install a permanent fence and warning track at the midget field where football previously took place. The

Board's direction at that time was to hear from the Football association that they do not plan on returning to use this field. NLT received an email from Greg Fink stating that at this time he does not anticipate the return of Ebenezer football. They only exist on paper at this point and are in the process of dissolving the organization. The decision was made last year based on the number of kids playing football in the CLSD to combine both teams into a Falcon Youth Football program.

Chm Miller questioned if the Township is installing the fence. Mgr. Grumbine stated no, Ebenezer is going to look into a grant at Ebenezer's cost. VC Brensinger questioned if the Township would maintain the fence. Mgr. Grumbine stated yes. Treasurer Snook questioned if the new field at the Township building is ever used. Mgr. Grumbine was not sure.

MOTION to approve Ebenezer Baseball Association to install the permanent outfield fence at the midget field on Long Lane and install a warning track was made and seconded. Motion was approved with Chm. Miller and Treasurer Snook voting to approve. VC Brensinger voted no on the motion.

E.) Pickleball Second Request to Add 2nd Court Before Budget Workshops

When the Township's Assistant Manager informed the pickleball group that the Board delayed any decision on their requests, they responded "respectfully, we would like you to reconsider our one request for lines accommodating two courts, one on each end of the tennis court, running north/south, as per our temporarily taped court near the east entrance". Treasurer Snook stated that he felt the request would only require a little paint and had no problem with the request.

MOTION to approve the painting of lines for 2nd Pickleball Court was made and seconded. Motion unanimously carried.

F.) Approval to Release December Allocation to F.C. in September

In reviewing the balance in the Township's Fire Protection Fund, Accounting Clerk, Bonnie Grumbine, feels comfortable recommending that the Board permit what would normally be a release in December to be moved up to September. Ms. Grumbine has assured the Township that the current balance is sufficient to provide this release early without depleting the funds. The Township also transferred the \$120,000 (\$30K/company for 2020) over to the NLT Capital Reserve Fund per the MOU. The Township will hold Ebenezer's allocation until their 2019 audited financial statements are received. Ebenezer's treasurer continues to keep Mgr. Grumbine in the loop and is trying to get this accomplished, ASAP. Mgr. Grumbine did let the treasurer know that NLT would not release this 2nd allocation until it is received.

MOTION to approve the Release of December Allocation to the Fire Companies in September, excluding Ebenezer Fire Company until their 2019 audited financial statements are received, was made and seconded. Motion unanimously carried.

G.) Resignation – Craig Griffith – ZHB Member

Mgr. Grumbine received a verbal resignation from Craig Griffith from his position on the ZHB due to health issues. Mgr. Grumbine asked the Board to accept Mr. Griffith's resignation with regret. Mr. Griffith was originally appointed in June 2017.

MOTION to accept, with regret, the resignation of Craig Griffith, as a member of the NLT ZHB was made and seconded. Motion unanimously carried.

H.) Res #19-2020 – ZHB Appointment

To fill the vacancy left by Mr. Griffith's resignation on the ZHB, Mgr. Grumbine is providing for the Board's consideration, Res #19-2020. The resolution appoints Allen Heagy to fill the unexpired term for Mr. Griffith. Mr. Heagy is currently an alternate member of the ZHB. Following Mr. Heagy's appointment, NLT will look for an alternate member to fill his alternate position that would be open.

MOTION to adopt Res #19-2020 to appoint Allen Heagy to fill the unexpired term of Craig Griffith was made and seconded. Motion unanimously carried.

I.) Pertinent Matters**1.) SW Consortium Meeting**

The last meeting was held on Tuesday, September 15th. During the meeting, two projects in NLT were authorized to move forward with the engineer designing the basin retrofits. They were 810 Melody Lane basin and St. Stevens basin.

Both property owners have expressed their interest in working with the Consortium/Township to upgrade their basin.

The next meeting will be held on Tuesday, October 20th at 10:00 a.m. and will be held in the NLT meeting room. In-person and ZOOM attendance is available.

2.) SMT Dividend Return on WC Insurance

The Township and NLTMA received a dividend from the Susquehanna Municipal Trust (SMT) for Worker's Comp. This refund is for the years 2015, 2016, and 2017, and is a result of NLT's low worker's comp claims vs. premiums. The Township refund amount is \$10,470.80 and NLTMA is \$917.20.

3.) ZHB Hearings

There are 2 hearings scheduled for Tuesday, September 22nd. One is at 7:00 p.m., which will be continued at the request of the petitioner, and the other is at 7:30 p.m. Both are for setback requests.

SOLICITOR'S REPORT; Solicitor Amy Leonard -- Henry & Beaver**A.) Res #17-2020 – RTKL Policy**

Solicitor Leonard reviewed that Res #17-2020 would establish new policies to facilitate requests for public records of the Township pursuant to Right-To-Know law, providing the use of uniform forms for requests and responses, and establishes a fee schedule for duplication and certification of public records of the Township.

MOTION to adopt Res #17-2020 RTKL Policy was made and seconded. Motion unanimously carried.

B.) Notice of Violation Appeal

The Township received an appeal from a Notice of Violation of the IMPC. By law, appeals need to go to the IMPC appeals board, which the Township does have established. Solicitor Leonard is recommending Atty Corey Lamoureux from Reilly-Wolfson be approved as Solicitor of the IPMC Appeals Board.

MOTION to approve Corey Lamoureux as the Solicitor of the IPMC Appeals Board was made and seconded. Motion unanimously carried.

COMMENTS FROM BOARD MEMBERS

Treasurer Snook stated that the addition of David Leid, Park and Rec employee hired in June, seems to be working out well. Mr. Leid and Dave Strohm, another Park and Rec employee, are getting projects done quickly and efficiently.

With no further business to discuss, meeting adjourned.

Respectfully Submitted,

Heather M. Wenrich
Recording Secretary