

**MINUTES
NORTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS
February 15, 2021**

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
	Harold Easter	Chief of Police

On Zoom:	Amy B. Leonard	Henry & Beaver LLP
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Also on Zoom were Anthony Caponigro and Atty. Ambrose Heinz representing Project TV, and a few members of the public.

Josh Weaber from Chrisland Engineering was present to review Town's Edge Development Plan.

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

COMMENTS FROM THE PUBLIC

A.) Town's Edge Development- N 8th Avenue (north of Weavertown Rd)

The Town's Edge Development is located off N. 8th Avenue just south of the intersection of Weavertown Road. The plan proposes a 48-lot townhouse units on individual lots and two lots containing a total of five buildings which will have 8 units in each building for a total of 40 garden apartments. Total units for this development are 88 units. The plan will be serviced with public water and public sewer and includes associated utilities and stormwater management facilities.

Josh Weaber, Engineer from Chrisland Engineering reviewed the plan with the Supervisors. The development includes sidewalk on one side of the street, buffer plantings and screenings around the apartment units as required. A full overlay along N 8th Avenue between sewer connections. Stormwater is included to be discharged into basins. There are gang mailboxes for every apartment building or townhouse grouping.

Mr. Weaber indicated that he has approval from both the Conversation District and Rick Bolt, County Engineer. He is waiting for the Traffic Analysis Report for the intersection at Weavertown Road and N 8th Avenue. Supv. Brensinger asked Mr. Weaber to explain the difference between a Traffic Impact Study and a Traffic Analysis. Mr. Weaber explained it is basically the level of what you study. For a Traffic Study, PaDOT would look out 20 years and what impact the development would have on the intersections. For this development, the peak hour trips are in the 30's.

Manager Grumbine referred the Board to her report regarding this development. The following documents have been provided to the township:

- 1.) Sewage Facilities Planning Module Exemption.

- 2.) Park & Rec Agreement – signed and paid by the developer.
- 3.) Clean Letter from LCPD dated February 15, 2021.

We are waiting on the following documents pertaining to this development:

- 1.) Land Development Improvement Agreement to be signed by Developer and Escrow Check.
- 2.) HOA Documents – Solicitor Leonard reviewed and offered comments to their counsel.
- 3.) Traffic Impact Analysis that Mr. Weaber previously discussed tonight.

Supv. Brensinger asked if the Analysis triggers some type of improvement (example given of N. 8th Avenue/Weavertown Road intersection), is there a path for us to come back to the developer for help with the improvement? Or is this on the taxpayers of the township. Solicitor Leonard stated that according to the MPC unless we have a Traffic Impact Fee the developer cannot be required to complete off-site improvements. This is not a situation where there is a PaDOT HOP, pending. There is a difference when PaDOT HOP is required, as PaDOT can require off-site improvements. We can only ask the developer to do an Analysis of off-site intersections that we believe may be impacted by the development, we really cannot require the improvements there. It is more of an informational tool for the township so that we know how the intersections will be impacted, how the traffic counts may increase. We are statutorily limited in terms of what we can ask the developer to do.

MOTION was made and seconded to approve the plans for Town’s Edge Development Plan, the Sewage Facilities Planning Module Exemption, and the Park & Rec Agreement, contingent on HOA documents, contingent on the Development Improvements Agreement and escrow payment, and the Traffic Impact Analysis. Motion unanimously carried.

REVIEW OF STORMWATER CREDIT APPLICATIONS/ BMP O&M Agreements

1.) NS Hanford Drive -Phase 7 Rails-to-Trails property owned by the Co Commissioners. Jacob Shaffer, SESI, has recommended a 50% credit approval for the extended dry detention basin constructed at the site of the trailhead off N. 25th Street. A BMP O&E Agreement was signed and recorded in February of 2020.

MOTION was made and seconded to approve a 50% credit for the property owned by the Lebanon County Commissioners off N. 25th Street, as part of the Rails-to-Trails Phase 7 project. Motion unanimously carried.

- 2.) 1204 Lochwood Drive**
- 3.) 441 Orchid Circle**
- 4.) 411 Orchid Circle**
- 5.) 909 Briar Rose Ave**

Mr. Shaffer states that for these four (4) applications “in order to be eligible for a credit, SW BMPs must be located entirely within the confines of the subject property and the property owner accepts maintenance responsibilities for that BMP. The applicant’s property does not contain the entirety of the BMP and therefore is not eligible for credit”.

MOTION was made and seconded to deny a credit towards the SW Management Fee for 1204 Lochwood Drive, 441 Orchid Circle, 411 Orchid Circle, and 909 Briar Rose Ave for the above stated reason. Motion unanimously carried.

6.) 314 Sunset Lane – Mr. Shaffer recommended approval of a 100% credit for a BMP designated as a vegetated open swale, contingent upon the signing and recording of a SW BMP O&M Agreement.

MOTION was made and seconded to approve a 100% credit for a vegetated open swale contingent on the signing and recording of a SW BMP O&M Agreement. A copy to be provided to Township before credit is applied. Motion unanimously carried.

7.) 2024 Mallard Lane – Mr. Shaffer recommended approval of a 100% credit for a BMP designated as a grassed swale (vegetated open channel), contingent upon the signing and recording of a SW BMP O&M Agreement.

MOTION was made and seconded to approve a 100% credit for a vegetated open channel, contingent upon the signing and recording of a SW BMP O&M Agreement. A copy to be provided to the Township before credit is applied. Motion unanimously carried.

8.) 917 Briar Rose Ave – At the recommendation of Mr. Shaffer, the Board approved a 100% credit for 917 Briar Rose Ave during our January 18, meeting. Following several other submissions for the same development Mr. Shaffer re-reviewed the ordinance and requirements for receiving an approval. Specifically, when an HOA or multiple property owners are responsible for a BMP. We have received a revised recommendation from Mr. Shaffer to deny the credit application for this property. The BMP must be located entirely within the confines of the subjected property and the property owner accepts maintenance responsibilities for that BMP.

Following approval by the Board in January, the property owner signed and recorded a Stormwater BMP O&M Agreement. A letter was sent approving the credit. Because of this error, Manager Grumbine recommended that the Board continue with the credit issued in January for 2021 only. Manager Grumbine also recommended the Board approve the denial of a credit commencing in 2022.

MOTION was made and seconded to continue the SW Management Fee credit approved in January for the year 2021 only for 917 Briar Rose Ave. In addition, the Board denies the SW Management Fee credit for 917 Briar Rose Ave commencing January 1, 2022, because the BMP must be located entirely within the confines of the subject property, which it does not and therefore is not eligible for the credit. However, to acknowledge the mistake made in January 2021 to approve the SW Management Fee credit the Board confirmed permitting the credit to stand for one year (2021). Motion unanimously carried.

9.) 814 Grant Street – Mr. Shaffer recommended approval of a 100% credit for 814 Grant Street. A BMP O&M Agreement was previously recorded for this property.

MOTION was made and seconded to approve a 100% SW Management Fee credit for an infiltration basin at 814 Grant Street. Motion unanimously carried.

APPROVAL OF MINUTES

The meeting minutes from the 1/18/2021 Supervisors meeting.

MOTION was made and seconded to approve the 1/18/2021 Board of Supervisors 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 unanimously carried.

FIRE CHIEF'S REPORT – Brian Vragovich, Chief Glenn-Lebanon Fire Co

A.) Monthly Summary – January 2021 Summary

The number of calls, responses, trainings, and aid for the month of January for all 4 volunteer fire companies in the Township was discussed.

B.) Online Raffle Sales

Chief Vragovich, Fire Chief for Glenn Lebanon Fire Company (GLFC), discussed the restrictions with their small games of chance license. In lieu of bingo, they started the on-line raffles. Bingo is non-existent because of COVID and they do not feel bingo will ever return. Currently all on-line raffles must be cash under their small games of chance license. There has been legislation introduced to change this requirement during the pandemic. However, the fire companies are trying to get legislation to permanently allow them to ~~do~~ accept credit and debit card payments and that the payment receipt would represent the “paper ticket”. He has been in contact with Rep. Diamond to support legislation and he is also asking for the Board to help them obtain legislation approval.

Chief Vragovich explained that GLFC places an item on their website or Facebook and accepts 75 chances. Once a week they use their bingo machine and show the drawing live. They are following as many of the Small Games of Chance regulations as they can. This is happening state-wide in PA by fire companies. Chief Vragovich also stated you can go to a Pa lottery machine and put in a credit card. You can go to the local gas station and put in a credit card into a “Game of Skill”, but the small games of chance license held by the fire companies does not allow the fire companies to have the same benefit of credit/debit card usage for the on-line raffles. Brian said he personally watches the credit card purchases every week to make sure they do not have someone spending thousands of dollars on their raffle. A representative from the fire company purchases the items they raffle from local businesses at the retail price. They do not ask for a donated item. They are also helping the local community by making the purchase. The more they can raise their own funds, the less they will be asking for from the township residents.

Chairman Miller asked Chief Vragovich to put together a letter outlining exactly what they are requesting, and he will draft a Resolution to present to the County Association of Township Supervisors to send to the PA State Association of Township Supervisors. All Board members agreed.

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 January. There was a total of 188 Police-Citizen contacts reported and 6,493 miles driven for patrol.

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

The Board received a written report on Code Enforcement from John Brenner & Officer Haase for the month of January.

TOWNSHIP MANAGERS REPORT – Cheri Grumbine, Manager**A.) Authorization to Advertise for Bids; Paving, Microsurfacing, and Fuel.**

The bid documents for the paving/milling project, microsurfacing, and fuel for 2021 are ready to be advertised for bid.

MOTION was made and seconded to authorize the advertisement for the bids for the paving/milling project, microsurfacing project, and the fuel for 2021. Motion unanimously carried.

Manager Grumbine confirmed that letters were mailed to the property owners on January 15th, advising them of the large paving project and explained that any connection to utilities in the street must be completed prior to July 2021. The township agreed to waive the street cut permit fee, but an application must be submitted. Also, any curb replacement contemplated by the property owner must be completed by July 2021. The residents were advised that following completion of the paving project, a street moratorium will be in effect until September 2026.

B.) Authorization to Advertise for Bid; Truck #6, Police SUV

Manager Grumbine requested to place an advertisement for bid for a police SUV, old dump truck #6, fire police vehicle, as well as a few other miscellaneous items on the Municibid website to receive bids. The bids will be awarded by the Board at their March 15th meeting. Bid opening would take place a few days prior, so a bid tabulation could be presented to the Board.

MOTION was made and seconded to authorize the placement of a police SUV, Old Truck #6, fire police vehicle, and other items on Municibid. Motion unanimously carried.

C.) Authorize Application to DCNR for Lion's Lake Upgrades

In April of 2020, a grant application was submitted to DCNR for upgrades to Lion's Lake. The grant application included \$540,000 estimate for the improvements. The shoreline restoration was part of the grant and the Consortium had agreed to reimburse us for costs associated with this portion of the grant, as we will receive credits towards the sediment reduction requirements under our Pollutant Reduction Plan. In addition, upgrades to the playground equipment for ages 2-5 and 5-12 were included, parking lot improvements to the Main lot, Ashton Drive lot and Jay Street lot. ADA accessible routes from the parking areas, baseball/softball field improvements. Removal of the concrete diving pier, and signage, are all part of the grant application. The project was considered by the DCNR to be a "High Value Project" and we were strongly encouraged to resubmit the application since it was originally not approved due to the lack of available funds. Manager Grumbine also suggested the possibility of including the removal of the earthen island that attracts geese. A financial match is required by the Township and Fees in lieu of funds will be used to offset most of the match, along with the contribution by the Consortium.

MOTION was made and seconded to approve the re-submission of the grant application to DCNR for Lion's Lake improvements. Motion unanimously carried.

D.) Ratify hiring Erika Sheibley – Admin Clerk

Manager Grumbine informed the board that Erika Sheibley started February 8th as Administrative Office Clerk. She was participating via Zoom this evening because of the weather conditions but will be attending subsequent meetings.

MOTION was made and seconded to approve the hiring of Erika Sheibley effective February 8th, as Administrative Office Clerk. Motion unanimously carried.

E.) Tree Dedication- Community Park-Tree #11 (Lampkin)

The Township received a Dedication Agreement for Tree #11 at Community Park.

MOTION was made and seconded to approve the Dedication Agreement for Tree #11 at Community Park with Bonnie Lampkin. Motion unanimously carried.

F.) 2020 Reports from FASP and Release of 2021 Allocation- \$51,430

This report included the number of calls from each entity they service. It also included the response time for the Class 1 and Class 2 calls, which reflects 6.78 minutes on average. The Class 3 calls average response time was 7.40 minutes. Manager Grumbine stated this is the second year of a 3-year commitment to FASP. The Board's commitment places our 2021 funding at \$51,430, which represents a \$4.50 per capita fee (11,429 population).

MOTION was made and seconded to authorize the 2021 release of the \$51,430 payment to FASP. Motion unanimously carried.

G.) 2021 MHP Renewal Licenses

Renewal licenses for the 7 MHP were due January 6th.

MOTION was made and seconded to approve the 2021 MHP licenses renewals for Countryside, Green Acres, Lincoln Village, Ridgeway, and Sandhill. Motion unanimously carried.

MOTION was made and seconded to authorize Solicitor Leonard to send out notices for collections when she and Manager Grumbine determine necessary for Lakeside and/or North Crest Acres. Motion unanimously carried.

H.) Pertinent Matters

1. SW Consortium Meeting

The February meeting of the Consortium will be held February 16th at 10:00 a.m. at North Lebanon Twp in the meeting room in person and via Zoom. The Consortium will review proposed projects to authorize them to be advertised for bidding or deciding if some of these small projects can be done by municipal work forces where the project is located to save on costs.

2. Submission of OSFC Online Grant Application

Weavertown FC has provided us with a copy of their OSFC (Office of State Fire Commission) online grant application in the amount of \$15,000 to put towards their debt for purchase of the 2019 Seagrave Rescue Engine. Chief Vragovich indicated that all four volunteer fire companies applied for the \$15,000 maximum grant. The Board commended their efforts to apply for this grant.

SOLICITOR'S REPORT; Solicitor Amy Leonard -- Henry & Beaver

A.) Agreement with Landmark-Street lights in the Crossing at Sweet Briar

After receiving questions from the Crossings at Sweet Briar HOA regarding their Met Ed bills for streetlights, it was determined that Landmark Homes had not followed Township regulations for installation of streetlights for Phases 1 and 2 of the Development. After bringing the matter to Landmark's attention, a solution was proposed to rectify the situation and Landmark has agreed to

make certain improvements to the Phase 1 and 2 streetlights and compensate the HOA for its overpayments to Met-Ed.

MOTION was made and seconded to approve the Agreement with Landmark, as prepared by Solicitor Leonard to rectify the situation where Landmark has agreed to make certain improvements to Phase 1 and 2 streetlights and compensate the HOA for its overpayments to Met-Ed. Motion unanimously carried.

B.) Landmark Revised ZHB Petition-Hearing 2/18 POSTPONED

This is related to the Landmark apartment project proposed at Kimmerlings Road and North 8th Ave. The Zoning Hearing Board hearing scheduled for February 18th, 2021 has been postponed at Landmark's request. There is no new date for the hearing at present.

C.) Settlement on Property- 1625 Heilmandale Rd- Revision to Agreements

The property at 1625 Heilmandale Road was transferred from Mr. Bare to Heilmandale Road Owner LLC. Unfortunately, this is a slightly different owner name than we were given at the time the various Agreements relating to this project were drafted and signed. Solicitor Leonard is working with Project TV's counsel to correct the error in the new owner name for the Agreements with both the Township and Municipal Authority. The new owner will re-execute the Agreements and Chairman Miller will need to re-execute the Agreement on the Township side. To the extent that there are no other changes proposed to the Agreements, the Board has already authorized execution of the documents and there is no issue with re-executing. (There is one exception to the foregoing, related to the Development Improvement Agreement which will need to be revised in substance and re-executed once the ATP issue is resolved. (Discussed below.) Similarly, the cover page of the approved land development plan will need to be signed again by the Board of Supervisors and the Planning Commission. Again, Solicitor Leonard stated that there is no substance to the change, we are still dealing with the same group.

D.) Heilmandale Road – Negotiate ATP – Long Ln Upgrades

Solicitor Leonard stated part of the Agreement with the new owner of the Bare property at 1625 Heilmandale Road related to the payment of approximately \$400,000 to the Township to be used for future traffic improvement projects in the Township. This payment was intended to be part of the proposed Alternative Transportation Plan (ATP) for the Walmart Distribution Center project. However, PennDOT has notified the developer that they will not approve this ATP. The developer is now proposing improvements to the intersection of Route 72 and Long Lane, as the ATP to be submitted to PennDOT. The Township staff is in the process of reviewing the proposal and will provide feedback to the developer to attempt to coordinate a mutually agreed ATP. This means the Township will need a revised Development Improvements Agreement to be drafted to reflect those items agreed to by the parties.

Solicitor Leonard recommended that the Township seek some input from a traffic engineer regarding the proposed ATP. This could be completed fairly quickly without delaying the process much longer. We do not have a Traffic Engineer on staff, so we would need to seek someone for guidance.

Atty. Ambrose Heinz stated that regarding the ATP, PaDOT stated they would not agree to an ATP that just involved payment of money from the developer to the township for no specific improvement. The proposed ATP now states that the developer is committing to one of the proposals originally discussed. They are looking at the Rte. 72 and Long Lane intersection, which

is one the Township originally suggested. His client's proposal is to submit a revised ATP that reflects the developer completing the improvements at Rte. 72 and Long Lane intersection. The Township will not be responsible for construction.

Matt Shinton said PaDOT did not approve a strict contribution as part of the ATP, as they want to see some physical improvement on Rte. 72. They have had preliminary discussions with PaDOT and they have verbally stated that the Rte. 72 and Long Lane intersection is an acceptable location for the ATP. They are waiting for the Township feedback to this revised ATP before moving forward with PaDOT. Matt Shinton went over the list of suggested improvements by the Developer at the Rte. 72 and Long Lane intersection.

Atty. Heinz stated that in order to submit the paperwork for the ATP, PaDOT is looking to the township to support the ATP proposed at the Long Lane location. PaDOT can then review the paperwork for this ATP.

Supv. Brensinger asked Mr. Shinton if he recalled the original TIS and if this intersection met any warrants for left turn lanes. Mr. Shinton confirmed discussing the turn lanes at Long Lane during the November meeting with township staff. However, he does not recall that the turning lanes were part of the initial study. He stated he thinks they would be open to evaluating it and seeing if there is adequate pavement room out there to simply restripe the approach. But if they are talking about physical widening, it gets a little cost prohibitive. But certainly, something they could look at and discuss again. Supv. Brensinger stated he does not know if the shoulder area is of sufficient subbase and road surface to just restripe or whether the shoulder would have to be redone. If it does not meet warrants, he felt in the very near future it would meet warrants. He asked Mr. Shinton if they are totally ruling it out. Mr. Shinton responded if they can make a logical simple fix that helps traffic flow in combination with the new traffic controller, they would be willing to restripe a lane. However, there are a lot of other requirements that PaDOT would require to meet their standards.

The supervisors were concerned about getting the wording correct in their motion and held further discussion with Solicitor Leonard before making a motion. Solicitor Leonard and Atty. Heinz weighed in on the language PaDOT would be looking to receive from the township to proceed with the revised ATP at Rte. 72 and Long Lane.

Mr. Shinton indicated that as the design progresses, the township would be in the loop of the design and certainly have an opportunity to have input. This would most likely happen in the design phase. Solicitor Leonard said the developer provided a list of improvements for the Long Lane intersection, but she wanted to make sure the township has a chance to review and consult with an engineer and respond to that proposal and get some input into the improvements, as owner of the signal.

Atty. Heinz clarified that the ATP would be a separate HOP (Highway Occupancy Permit) and the township would be the applicant, as current owners of the signal. This will be a separate HOP than the new traffic signal at Heilmandale Road and Rte. 72. The developer would be responsible for the construction of the improvements at Rte. 72 and Long Lane and see it through until the approval process. There would be the ability for the township to have input on what is ultimately built as part of this project.

MOTION was made and seconded to agree the Township is on board with the developer proposing the ATP at either the Long Lane and Rte. 72 intersection or the Tunnel Hill Road and Rte. 72 intersection and to continue to evaluate the ATP with a township appointed engineering consultant. Motion unanimously carried.

E. Code Enforcement Agreement – West Lebanon Township

Solicitor Leonard stated we contract with West Lebanon Township to provide the Township's code enforcement services. This should be done by written agreement, approved by Resolution of both municipalities in accordance with the Intergovernmental Cooperation Act. Solicitor Leonard prepared an Agreement and provided that to West Lebanon's Solicitor for his review. Once everyone agrees, the Board will adopt a Resolution at a future meeting.

F.) Complaint for Union Canal Dr Property-Authorize Filing

This property has been deemed in violation of the Township's Stormwater Management Ordinance, and has caused concern to West Lebanon Township, which is an adjacent landowner. West Lebanon's Solicitor and Solicitor Leonard have coordinated in preparing a Complaint and Motion to attempt to obtain property owner compliance.

MOTION was made and seconded to authorize the Solicitor from North Lebanon Township to file a Complaint and Motion for Preliminary Injunction jointly with West Lebanon Township to address the Ordinance violations. Motion unanimously carried.

COMMENTS FROM BOARD MEMBERS

A.) Ratify Emergency Declaration Issued for 2/1/2021 at 0900 through 2/3/2021 at 2400 hrs.

MOTION was made and seconded to ratify the Emergency Declaration Issued for 2/1/2021 at 0900 through 2/3/2021 at 2400 hrs. Motion unanimously carried.

With no further business to discuss, meeting adjourned.

Respectfully Submitted,

Erika A. Sheibley
Recording Secretary