

**MINUTES
NORTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS
JANUARY 19, 2015**

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:

Edward A. Brensinger	Chairman
A. Bruce Sattazahn	Vice – Chairman
Richard E Miller	Treasurer
Cheri F Grumbine	Twp Manager
Harold L. Easter	Chief of Police
Solicitor Frederick S. Wolf	Henry & Beaver LLP

Also in attendance was several other individuals. The meeting was called to order and the pledge to the flag was done.

COMMENTS FROM THE PUBLIC

A.) LVEDC/ Lebanon Rails-to-Trails Plan – Jason Chernich, SESI

This plan shows the subdivision of one lot from the Lebanon Business Rails Park (LVEDC) which is to be transferred Lebanon County. The lot containing 5.709 acres will become part of the Lebanon County Rails to Trails. NLT Planning Commission and LCPD have recommended approval for this Subdivision Plan. Jason asked the Board if they had any questions regarding this plan. The Board had no additional comments.

MOTION was made and seconded to approve the LVEDC Lot #4 Subdivision plan for the Rails-to-Trails extension. Motion unanimously carried.

B.) David/ Arlene Rank Lot Additions – Brent McFeathers, M&H

The Rank Plan shows lot additions to 2 adjacent properties located off Kochenderfer Road and on Edna Street. NLT Planning Commission and LCPD have recommended approval for this plan. Brent McFeathers explained this is an estate that is being “cleaned up”. There is a vacant lot that is being divided and annexed to 2 different adjacent parcels. The lot additions to the 2 properties will square off each of those properties. These Lot Additions will be restricted from use as a building lot. A Planning Waiver & Non-Building Declaration is also submitted for approval.

MOTION was made and seconded to approve the David/Arlene Rank Lot Addition Plan as well as the Planning Waiver & Non-Building Declaration. Motion unanimously carried.

C.) Dollar General – Mike Swank, SESI

A recent meeting had been held with PADOT to review some of the issues with this proposed Land Dev Plan. The meeting had been held 1/13/15 and the minutes from that meeting have been provided to the Board. Mike Swank of Steckbeck Engineering and Bob Gage of Dollar General are present to discuss issues raised at that meeting.

In order to maintain the current proposed full movement driveway location the applicant must submit a left turn analysis which demonstrates that a left turn is not warranted and submit an accident history analysis demonstrating that there is no pattern of accidents at the site. The applicant will submit this information as soon as possible. North Lebanon Twp and County MPO requested confirmation that the newly proposed access is consistent with North Lebanon Township Access Management Ordinance requiring driveway spacing on 45 mph posted roadways to be 360 feet from adjacent driveways, as outlined in the Ordinance, page 21-70.

Dollar General (con't)

This comment comes from the access management ordinance and sufficient distance is provided from the closest driveway to the north. There is approximately 630' +/- between the existing access drives along State Rte 72 on either side of the project site, from the convenience store access drive (Valero) to the office of the District Judge access drive to the north. As a result, if the proposed access drive were to be placed in the middle of the project site the distance from each of the adjacent driveways would be 315' +/-, short of the required 360'. Therefore, strict conformance to the regulations would not permit an access drive on this property.

Mike Swank presented a drawing of the site as well as proposed locations for the structure, parking areas and access to the site. The Board was told that they are present this evening to get a feel for what direction the Supervisors are heading with this access question. A lot of discussion was held at the PADOT meeting pertaining to a "right in/right out" restriction for the access. This means there would be no left turns from the site in order to travel south on State Rte 72. Bob Gage indicated that the Dollar General Corp would under no circumstances agree to this type of restriction. The Company does not agree to restrict the flow of travel for their customers. Some conversation was held regarding the Cloverfield Drive portion of the parcel. The idea of an "in" from Rte 72 and an "exit" to Cloverfield Drive is not appealing to the company. It has been their experience that this type of design sets up a "throughway" for traffic. Bob Gage stated a throughway would add to safety concerns for the customers who frequent their business. An in and out from Cloverfield Drive is not acceptable to the company either. Suv Sattazahn questioned Chf Easter as to the amount of traffic for the Long Lane area. Chf Easter indicated Long Lane traffic would not be an issue if there were to be an access from Cloverfield Dr. Chm Brensinger said he would like to see an option for Cloverfield Dr but he does not know that the Twp is able to force that issue.

Mgr Grumbine asked about the traffic analysis that Mike had mentioned. Her question is about the exact area that is involved in the analysis, the whole area around this site? Or just the site location? Mike Swank replied he would have to check with the traffic engineer as he isn't sure. The sight distances were discussed at length. PADOT had determined there is adequate sight distances for ingress and egress both directions from this site. The Supervisors discussed the issues already existing in this area. Suv Brensinger pointed out that any existing issues are not something that Dollar General needs to contend with as it does not concern their proposed site. He reminded his fellow Board members there are several opportunities for development across the street from this location. Both the northwest and the southwest corners at the traffic light are areas that are for sale. If and when these areas get developed there will need to be traffic light upgrades to the existing traffic light signals. He repeated that this is not Dollar General's issue.

Bob Gage told the Board he is here to get some indication from this Board in regards to this access question. The access proposed is a non-restricted access and nothing, at this point in time, planned for the Cloverfield Dr portion of the property. The Company does not wish to sink thousands of dollars into the plan process just to come away empty-handed. He asked that each of them state an opinion or collectively as a Board state an opinion tonight.

Chm Brensinger told Gage he is not prepared to give a definite approval this evening. He would like to be informed of PADOT's findings and answers to Steckbeck's traffic studies and responses to PADOT's recent comments/concerns. Only after knowing if PADOT's concerns can be answered would he be able to provide an opinion on the access question. He said he is leaning toward a "yes" unless the study shows some definite safety concern not being answered. This Board is charged with considering the safety for all residents and motorists. Suv Sattazahn stated he also would prefer to hear PADOT's comments and answers. Suv Miller stated he would prefer not to make any comments until receiving PADOT's comments being answered. He certainly is not in favor of allowing the left turn traveling south from this site.

Dollar General (con't)

The Twp's Access Management Ordinance is already in question. The location of the access is proposed for the south side of the property. Mike Swank explained all the considerations that need to be addressed when planning for the access drive to this site.

Chm Brensinger questioned Sol Wolf about the legalities of an approval knowing the Access Management Ord is not being met. Sol Wolf stated that the Twp would have 2 options. Accept that there could be a liability issue after approval of the plan or approve the plan and review the Ord for amendments of the Ordinance knowing the rest of this targeted area is a potential for future development. If the Ordinance is not reviewed/amended the Twp could face liability suits should someone be injured in an accident. Even though this would be a PADOT road, the Twp's Ordinance could be used as a legal tool.

Chm Brensinger told Mike Swank and Bob Gage he doesn't know if their question was answered. However it seems the Board is in agreement that until the comments from PADOT concerning SESI's traffic analysis is shared, this Board is reluctant to provide a yes or no to them tonight. The safety issues must be top priority for the Board. The individual Supervisors have shared some of their thoughts as to what they feel this plan should show. Mike Swank asked if PADOT's concerns are all met, what would the Supervisors opinion be at that time. Chm Brensinger said Sol Wolf is advising them that the Access Management Ord should be reviewed for amendments that may be needed.

APPROVAL OF MINUTES

MOTION was made and seconded to approve the Supervisor meeting of January 5, 2015. Motion was 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 – Toby Gettler, Fire Chief Ebenezer FC**A.) Monthly Report; Year End Report**

Chf Gettler reported on the summary of calls for the month of December 2014. A total of 42 calls were answered by the 4 fire companies as well as 3 training sessions. A total of 170 ft of various hoses were used this past month. Volunteer man hours logged in at 221:32 hours with 24:00 hours being logged for training sessions.

The collective totals for the year of 2014 totaled 594 calls for service were answered as well as 160 training sessions. The total call hours were 2993:20 hours/minutes with a total of 2981:53 hours/minutes of training time. Estimated value of all buildings was listed at \$3,000,100 and contents at \$1,933,075. Estimate of all buildings damaged \$145,100.00 and contents at \$86,050.00. The estimated value of property saved is \$4,702,025.

B.) Worker's Compensation

Suv Miller questioned Chf Gettler about a claim that had been made in regards to the Worker's Comp for the firefighters. Toby Gettler replied that the response from the State Insurance representative had been that the case will not be looked at and therefore there will not be compensation of any kind. He continued on to say the Twp had done its part by pursuing this Insurance as directed. However the Twp continues to pay these premiums and is not getting anything in return, in his opinion. Another issue Chf Gettler mentioned was that an attorney made contact saying they would take on this case to pursue but it would come at a cost. He commented on the futility of this whole situation regarding Insurance for firefighters.

CHIEF OF POLICE REPORT – Chf Harold Easter**A.) Calls for Service Report – Month of December; 2014/ Year End Report**

Chf Easter reported on the activities for the month of December 2014 and mentioned some of the individual categories for these calls of service. Chf Easter reported there were a total of 678 Police-citizen contacts for the month of December with a total of 9,593 miles logged on the cruiser cars.

Chf Easter also provided some statistics for the 2014 year end. A total of 8,083 Police/Citizen contacts and 111,566 miles on the police vehicles was logged. Suv Miller questioned if Chf could provide the department clearance rate to the Board. Chf Easter stated the department does not receive that information but he will try to obtain it and provide to the Board.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine**A.) Appointment to Park & Rec Board – Kathy Sattazahn**

The name of Kathy Sattazahn has been submitted to fill the vacancy on the Park & Rec Board. Although she is the spouse of Suv Sattazahn, this appointment would pose no conflict, according to PSATS. However Suv Sattazahn will abstain from voting on this appointment.

MOTION was made and seconded to approve Kathy Sattazahn to the Park & Rec Board for a 3-year term to expire 12/31/2017. Suv Sattazahn abstained from voting. Motion carried with the 2 remaining votes.

B.) Resolution No. 1-2015 – ZHB Appointment

As there is a vacancy on the Zoning Hearing Board, the name of Steve Morris is being recommended by Suv Miller. This is a 3-year term expiring on 12/31/2017. Mr. Morris is present to accept the nomination after the Board takes action to adopt Resolution 1-2015.

MOTION was made and seconded to adopt Resolution 1-2015 appointing Steve Morris to the Zoning Hearing Board for a 3-year term expiring 12/31/2017. Motion unanimously carried.

Chm Brensinger thanked Mr. Morris for his interest in serving on the ZHB for North Lebanon Twp.

C.) Authorization to Bid Paving, Reclamation, & Other Materials

Due to the size of the paving project scheduled for Kimmerlings Rd this spring, the Board is being asked to authorize the bidding process begin for the paving, reclamation and any other materials that might be required for this project. The opening of the Bids would be held prior to the Supervisor meeting in order to be reviewed and tabulated for forwarding to the Board. The Bids should be approved in February or March, at the latest.

A discussion was had pertaining to the pole relocations to be completed by Verizon and Met Ed. Suv Brensinger reported that Verizon has begun their process for pole relocation. Met Ed has not. However Met Ed has indicated they will have the work project completed by spring and would not interrupt the paving process the Twp has slated to begin in early spring. Suv Brensinger explained that the Highway crew has preparations to complete prior to the actual reclamation & paving process. He told his fellow Supervisors that by getting an early start to the reclamation/paving bidding process it will allow for smooth transition into the actual project once the weather is appropriate.

MOTION was made and seconded to authorize the bidding process begin for the Kimmerlings Road reclamation & paving project. Motion unanimously carried.

D.) Non-Emergency Listings – NLT Fire Companies

All 4 Fire Companies have submitted their Non-Emergency Activity Lists for 2015. Some of the events have been listed as TBD/TBA. These events should be removed from the listing until specific dates have been determined and provided. The only exception would be funerals.

Non-Emergency Listings – NLT Fire Companies (con't)

The Supervisors discussed some of the information that had been provided that did not have specific dates or times included. Suv Miller said he remembered the Insurance Agent saying that the information submitted should be specific not general. The Board discussed approving any information that was specific on the Non-emergency listings. However any times that did not contain specific dates and/or times would be excluded from this approval. The Fire Companies should submit their specific information for the Board's approval prior to the events.

MOTION was made and seconded to approve only the information that had been provided by the Fire Companies which contained exact dates for the non-emergency activities. Other listed events to be approved as specific dates/ information is provided. Motion unanimously carried.

E.) Res 5-2015, Misc Fees

Resolution No. 5-2015 is the Twp's annual misc fee resolution. A correction has been made in the language regarding the Peddling Permits. Previously it was listed as a license fee and has been corrected to read as an Administrative Fee. Another revision would be the cost of the YardWaste Permit which has been increased to \$35. The Board is being asked to approve these revisions by adopting Res 5-2015.

The Supervisors discussed the various fees listed in the Fee Schedule. Suv Miller indicated he is not in agreement with some of the fees charged. Suv Brensinger told him he understands his objection.

MOTION was made and seconded to adopt Resolution 5-2015 setting the various Township related fees. Motion carries by a majority of 2 votes in favor and 1 nay vote.

F.) Pertinent Matters

1. Park & Rec- 2014 Annual Report
2. Municipal Authority – 2014 Annual Report
3. Planning Commission – 2014 Annual Report

All 3 of these year-end reports have been submitted to the Supervisors for informational purposes only. Each report summarizes the activities of each of these Boards/Committees for the year of 2014. Also provided is an attendance chart showing the Board what members are attending the meetings and those members that are not in attendance. No action is required by the Board.

SOLICITOR'S REPORT – Solicitor Fred Wolf**A.) Stormwater on Mechanic Street**

Sol Wolf reported that there had been an issue on Mechanic Street from the Zidik property located at 1313 N 7th St involving stormwater and obstructions placed on the property that prevented the natural flow of the water through the area. Suv Brensinger, Mgr Grumbine and the property owner had met to discuss the situation and were able to come to an agreeable solution. Working collectively this problem was resolved. He suggested that a summary of the work that has just been completed should be documented and placed in the property file for this location. It is anticipated that there will probably be future issues with the same issues. Sol Wolf complimented Suv Brensinger and Mgr Grumbine on their dedicated efforts to resolve this issue amicably.

Suv Brensinger gave a brief history of this stormwater issue. It has been an issue since the early 1960's when the previous owner tried to alleviate the problem by installing some pipes underground. Over the years the integrity of the pipes deteriorated. For now, the current problem has been addressed. Suv Brensinger stated that he agrees this issue will reappear in the future.

B.) Personnel Manual - Final to Board 1/13/2015

Sol Wolf reported that the Manual has been completely revised and is in the hands of the Supervisors for their review. At the point in time that they are ready to take action, this will be on the agenda for approval.

C.) Resolution No. 6-2015 (Condemnation)

Sol Wolf mentioned the Ebenezer Dam and the Lions Lake property. As part of the inspection program that Steckbeck Engineering conducts each year, an analysis is completed. This year a property located near the dam spillway has been the focus. An attempt to work with the owner for a purchase of the property has, to this date, failed. As a result an appraisal was completed. Due to the fact the owner is not willing to consider the Twp's offer for purchase, a condemnation process should be started. Resolution 6-2015 will authorize the condemnation procedure for filing in the courts. The Board is being asked to take action to adopt Resolution 6-2015.

MOTION was made and seconded to adopt Resolution 6-2015 for condemnation procedures on the listed property. Motion unanimously carried.

D.) Firearms Industry Consulting Group

Sol Wolf explained this issue has to do with local Ordinances and firearms. A select group has chosen to debate the legalities of some of these firearm Ordinances. Sol Wolf stated the Twp Ordinances regarding firearms should be reviewed and if necessary take the next step and coordinate with other municipalities to contact a consulting group regarding updating the firearms Ordinances.

Chp Brensinger questioned if State and/or Federal law would supersede anything the Twp has in its Ordinances. Sol Wolf agreed that if State or Federal laws are involved then the Twp Ordinances would not be the issue. A discussion was held about what the NLT Police Dept is permitted to do under the law when a firearm Ordinance, such as shooting a groundhog in a residential neighborhood, is violated. Chf Easter replied that the Officers do not have any authority other than to detain the individual and hand everything over to the Game Commission.

MOTION was made and seconded to authorize a review of the existing firearm Ordinances for either review and/or elimination. Motion unanimously carried.

COMMENTS FROM BOARD MEMBERS

A.) Suv Dick Miller announced he will be running for re-election on the voting ballot this year. He is nearing the end of his 6-year term as Supervisor for North Lebanon Twp. He has found it to be rewarding and at times challenging. He is declaring his intention to be on the ballot for re-election.

B.) Street Sweeper – 2015 Budget

Suv Brensinger mentioned that the 2015 Budget has a line item for the purchase of a new Street Sweeper. He is looking for approval to begin the process of placing an order for the new sweeper at this time. Once the order is placed the process of listing the old sweeper on Municibid for sale can then begin. Suv Sattazahn mentioned that by ordering and receiving a new sweeper early in the season, the sale of the older model will begin at the time that other municipalities/companies are beginning there "shopping".

MOTION was made and seconded to authorize the ordering of a new Street Sweeper as per the 2015 Budget. Motion unanimously carried.

With no more business to discuss, meeting adjourned.

Respectfully Submitted

Theresa L. George
Recording Secretary