

**MINUTES
NORTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS
JUNE 15, 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.

7:00 PM PUBLIC HEARING – Sol Fred Wolf

ORDINANCE 2-2015 - COMCAST FRANCHISE FEE AGREEMENT

Sol Wolf explained this public hearing is part of a requirement regarding Ordinance 2-2015, Comcast Franchise Fee Agreement. He stated the Public Hearing had been advertised and posted in the main office prior to the Hearing. A Hearing had been held already on the Comcast Franchise. This Hearing pertains to the Agreement with Comcast. This agreement does not prohibit Verizon or any other company from offering services to North Lebanon Twp. It also provides for a 5% fee to the Twp for any revenues collected by Comcast. If the Federal law changes at all the Twp is permitted to apply for additional to the 5% listed in the agreement. The agreement also outlines the right of the Twp to audit Comcast to ensure the total amount has been submitted to the Twp from Comcast.

At this time Sol Wolf asked for questions from the public. There were none. Sol Wolf asked Chm Brensinger to take over the meeting. The Supervisors discussed the audit process and how it proceeds as they had approved the audit process be completed during a previous meeting.

MOTION was made and seconded to adopt Ordinance 2-2015 authorizing the Twp entering into an agreement with Comcast for Franchise Fees, which is for a period of 11 years. Motion unanimously carried.

COMMENTS FROM THE PUBLIC

A.) Arianne Chernich – Ebenezer PTE; 5K Run

Ms. Chernich told the Board she has now taken on the task of the 5K run that has become an Ebenezer Elementary tradition. This year, however, they would like to have the run in October 24, 2015. A packet of information has been provided that shows the layout of the run, the streets that would be involved and the hours for the run. Ms. Chernich said Steve Beard will be assisting with traffic during the limited times that the streets would need to be closed. The run starts at 9 am and finishes at 10:15am.

This year they are planning a new feature with the run. It will be a color-a-thon. As runners finish and cross the line on the school property, they will have paint (colored corn starch) thrown at them.

Ebenezer PTE; 5K Run (con't)

This will take place on school property only. Suv Sattazahn raised the question of the colored starch paint in conjunction with the location of Twp stormdrains. The Twp is trying to appease the MS 4 program and needs to be concerned about what will eventually drain into the water ways. He was told there are no waterways close to this area and the colored starch is natural based with no chemicals.

MOTION was made and seconded to approve the 5K Run scheduled for October by the Ebenezer Elementary PTE. Motion unanimously carried.

Suv Brensinger asked Ms. Chernich to contact him as a reminder closer to the event, maybe the week before, so he can post the signs and barriers on the streets where they will be needed.

B.) Lee Spencer – President Ebenezer Fire Co; Fire Company Study

Lee told the Board he is here to discuss the study that has been suggested for the Fire Companies of NL Twp. He is speaking on behalf of the members of the Ebenezer Fire Co. Ebenezer being opposed to the idea of another study being completed. To bring in an outsider, being State employee or whomever is not a good idea. They would not understand the needs for the local neighborhoods. Ebenezer suggests that a workshop committee be appointed that would meet and address some of the issues that a State worker would be reviewing. Lee told the Supervisors that he has a written response, on Fire Co letterhead, to the suggestion of a DCED study.

Brian Vragovich – Glenn-Lebanon Fire Co

Brian told the Supervisors it would be redundant to repeat a study which had been completed several years ago. The findings of the previous study did not satisfy the needs of our communities and another study probably would come back with the same findings. In recent years he feels the communication between the 4 companies and the Twp have improved tremendously. He attributes that to a willingness to cooperate with each other. There is no way total agreement by all 4 Fire Companies on all issues will ever happen. But the willingness to negotiate and compromise has created a better working relationship for all concerned. Brian said he would be interested in the workshop idea that Ebenezer has suggested. An issue which definitely needs to be discussed is the idea that SWIF (insurance) does not allow the companies to respond on each other's calls.

Suv Brensinger stated that the Board had said, from the beginning of these discussions that a majority of the Fire Companies had to be on board with the proposed study idea. As 2 of the 4 companies have already voiced disagreement the study will not be performed. He said he agrees the working relationship has improved in the recent years. He would like to see the whole Board be involved in the workshop idea but definitely 1 of the Supervisors needs to be involved. He then asked Allen Firestine of Rural Security if he had any comments to add.

Allen Firestine – Rural Security Fire Co agreed with what Lee and Brian have been talking about. He said it all sounds good to him. One thing he would like to mention is that if it is determined that the President and Fire Chief are to sit on the committee, Rural Security might have to make different arrangements due to their Fire Chiefs' current situation. Suv Brensinger agreed saying that would be something that would need to be determined, who would need to sit on the committee.

Fire Company Study (con't)

Suv Brensinger said when Don Steiner of Weavertown talked to him about the idea of a study, the main concern was discussion about how to plan for future major equipment expenses. Expenses and dwindling manpower are problems for the Fire Companies right now. He repeated since hearing the opinions of the 3 Fire Companies represented here this evening, there would be no further talks about a DCED study. He would like to move forward with the idea of a committee and having workshops. The Supervisors thanked the Fire Co members in attendance for their time on this issue.

MOTION was made and seconded to totally dismiss the idea of a DCED study completed for the Fire Companies. Motion unanimously carried.

Chm Brensinger suggested to the Fire Co members present that they decide how the Committee will be represented by each company. To move forward communication is needed by all concerned. One thing Lee Spencer suggested is that the meetings be scheduled during evening hours in order to allow for attendance.

Brian Vragovich mentioned the State Law concerning the background checks and criminal checks for all volunteers in any type of children programs. For all volunteers, the fees for these background checks have now been waived.

C.) Mike Demmy – Cedar Crest Dr; Parking Issue

Mr. Demmy said he is here to talk about an annoying situation in his neighborhood. There is a boat that has been parked on Cedar Crest Dr for at least 8 years now. It has been parked there so long, the front hitch has tunneled into the macadam. The boat is never moved and does not leave the area ever, with the exception to be inspected. It creates a sight obstruction for the west side neighbors. The front of the boat is dead even with the corner of their driveway. These people had to change their way of using their driveway because of this boat being parked in the street.

The boat is uncovered and is exposed to all kinds of weather. Demmy said he cannot begin to imagine what is growing in the inside of the boat. He feels it has to be a safety concern. The rain water runs right through the boat, onto the street, carrying motor oil or anything in the boat and carries the chemicals to who knows where. When he had stopped in the office he had been told the Twp at one time had an ordinance but had rescinded it after a retired State Police Officer claimed it was illegal. Upon hearing that information Demmy went to South Lebanon Twp and obtained a copy of their Recreational Vehicle Ordinance. His question to the Supervisors is why is South Lebanon Twp able to have an Ordinance on their books and not North Lebanon Twp? Sol Wolf replied it is possible that no one ever contested the ordinance such as the State Officer did for the one North Lebanon Twp had adopted. Mr. Demmy appealed to the Supervisors to try to find some way to take action on this boat. He finds the boat issue unbearable at this point in time.

After some discussion the Supervisors agreed to have Sol Wolf review South Lebanon's recreational vehicle ordinance as well as state laws on this subject.

MOTION was made and seconded to authorize Sol Wolf to complete a review of South Lebanon Twp Ordinance as well as State law regarding storage and parking of major recreational equipment on the streets. Motion unanimously carried.

APPROVAL OF MINUTES

MOTION was made and seconded to approve the Supervisor meeting of May 18, 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 – Wes Keener, Ebenezer Fire Co**A.) Monthly Report – May**

A summary report for the month of May was given. For the month of May the calls for service amount to 58, along with 20 training sessions attended. A total of 833' of hose was used. A total of 479:37 personnel hrs of which 213:18 hrs was training time.

B.) Background Checks for Volunteers

Brian Vragovich had reported to the Supervisors that the volunteer Firemen's fees for background/criminal checks has now been waived.

CHIEF OF POLICE REPORT – Chf Harold Easter**A.) Monthly Report – May 2015**

Chf Easter reported on the activities for the month of May 2015 and mentioned some of the individual categories for these calls of service. Chf Easter reported there were a total of 736 Police-citizen contacts for the month of April with a total of 10,205 miles logged on the cruiser cars.

B.) Gov Appointment – Det Lauver; EMA Coordinator

Chf Easter confirmed the appointment of Dave Lauver, by Governor Wolf, to act as NLT Emergency Management Coordinator.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine**A.) Tree Dedications @ Lenni Lenape Park**

The request for tree dedications at Lenni Lenape continue. The Board is asked to sign an agreement with Linda Hower for tree #24, Vickie Kohr for tree #9, James Kush for trees #18 & #31 and Dick Miller for tree #17.

MOTION was made and seconded to authorize signatures on 5 more Tree Dedication agreements for Lenni Lenape Park. Motion was unanimously carried.

B.) Safety Program Template- Susquehanna Municipal Trust

During the May meeting the Supervisors adopted 2 Resolutions associated with the Susquehanna Municipal Trust Safety Manual. Since that time the Dept Heads, Mgr Grumbine and Ass't Mgr met with Peter Whipple (Benecon). A discussion regarding the Lock Out/ Tag Out Program from the template provided was held. Revisions to the template policy reflect concerns being addressed as a result of this meeting. As this issue is the only remaining issue, the Board is asked to take action on the Manual.

Suv Brensinger told his fellow Supervisors that he was in attendance when Mr. Whipple was here. Mr. Whipple was able to explain the policy and advised them as to how it could be tailored to fit the Twp's needs. An example was the mechanic's questions about total Lock Out.

Safety Program Template (con't)

Suv Brensinger would have issue with that type of policy as the mechanic needs to have access to the motor or engine on some of the equipment when he is attempting to repair it. A total Lock Out Tag Out would make some of his work impossible to complete. Some of the content in the sample program does not apply to anything the Twp works with and could be eliminated or revised to fit the Twp's needs. Suv Brensinger stated he is a lot more comfortable with the program now that he understands the adjustments that were made.

MOTION was made and seconded to approve the Susquehanna Municipal Trust template for the NLT Safety Manual and to authorize the Twp Manager to assign a Resolution number to the Manual. Motion unanimously carried.

C.) Rescind of Existing Snow Plowing Policy end of E Old Cumberland St

At the February 21, 2011 meeting the Board approved a snow plow policy for the abandoned section of E Lehman St between the former Sahonic property (1401 E Old Cumberland St) and the Earhart property (1405 E Old Cumberland St). The Sahonic property had been purchased jointly by South Lebanon and North Lebanon Townships in order to work jointly on stormwater issues. The Earhart property has now been sold at a Sheriff's sale. Due to these facts, Mgr Grumbine is suggesting the Board rescind the snow plowing policy that been agreed to during a previous Board meeting. The portion that was E Lehman St had been vacated when the Avon Bridge was originally constructed. This portion has clearly become the driveway of 1405 E Old Cumberland St and should be maintained by the property owner.

Suv Sattazahn questioned if the new buyer should be mailed a letter explaining the maintenance policies and requirements as the new property owners. Mgr Grumbine stated she thought the Twp should also inform the new owners about the fact that this house had been involved with flooding during Tropical Storm Lee, which had reached counter height in the kitchen area. Earharts had been living in a FEMA trailer. These new property owners are from out of state and had purchased the property from the bank. The question was given to the Solicitor. Sol Wolf said it would probably be good to mention the flooding problem but do not go into detail about the issue. During the sale of the property the disclosure of that information should have been provided.

MOTION was made and seconded to rescind the existing snow plow agreement pertaining to 1405 E Old Cumberland St. Motion unanimously carried.

D.) Park & Rec Memo – May 8 & June 4

After discussion at their meetings the Park & Rec Board have made a recommendation to the Supervisors concerning the new walking path located behind the Township building and connects the upper fields to the lower sports fields. The walking path was not designed for vehicle traffic which seems to be occurring. A suggestion of a stencil or something similar at the entrance stating "No Motorized Vehicles" is recommended. During early design discussions, the relocation of the sports Association's shed was mentioned. The Park & Rec Board and Dave should determine a better location after discussions with the Athletic Association concerning easier access for the Association.

Pictures were shared of vehicles driving and parking on the walking path. Suv Brensinger stated he remembers discussion about relocation of the shed also. He continued on to say he feels a stencil marking will not be sufficient to stop the vehicles. It will take a gate or something substantial to keep the vehicles off the path.

Park & Rec Memo (con't)

Suv Brensinger agreed moving the location of the shed is a good place to start. The next question is, do we also place something at the bottom of the pathway to prevent vehicles from entering at the bottom portion of the walkway.

Suv Miller said he has concerns about the turning radius where new construction has taken place. He suggests that the area be reviewed at the same time we are reviewing the walking path situation.

Mgr Grumbine added that consideration of wheel chairs and emergency access for ambulances be made also. Whatever is decided upon needs to account for emergency response as well. After some discussion the Board agreed with having Dave work with the Park & Rec Board and the Athletic Assoc for a new location for the shed. Some type of signage should be placed at the walking path stating “No Motorized Vehicles”. Also due to signage being placed the Police Officers can then enforce the signage. Chf Easter did mention that citation/fines could not be issued until signs are installed for enforcement.

Another issue discussed in the Memo from the Park & Rec was an out-of-state person having a pavilion rental and then requesting to have a refund as the majority of the invitees could not attend. Due to the fact the individual was out-of-state, the P&R Board felt it would be fair to refund the individual \$100 and keep \$25 for the Twp. The Supervisors are asked to take action on this suggestion.

Suv Sattazahn said he would agree with the suggestion as long as there had not been another request for the same day rental.

MOTION was made and seconded to agree with the Park & Rec Board’s suggestion of a \$100 refund and keeping \$25. Motion unanimously carried.

E.) Homestead Acres – Phase 3

In 2003 Isaac and Lena Martin posted a Letter of Credit as the developers of Homestead Acres Phase 3. The Letter of Credit had been posted with the County Commissioners. In 2005 the LOC was reduced to the amount of \$110,100, as approved by the County Engineer. All building lots in the Phase 3 have now been sold, however the wearing course remains incomplete. In addition there are a few other issues that need to be addressed by the developer prior to the Twp accepting the Deed of Dedication. Phase 4 which has now been started has only a few lots developed at this time.

Mgr Grumbine suggested the Board authorize the Solicitor to issue a letter on behalf of the Board requiring the developer to finalize Phase 3 improvements and proceed toward dedication of streets to the Twp by September 1, 2015. Some of the residents have been living there for 10 years and are waiting for completion of the street as well as Twp winter maintenance.

MOTION was made and seconded to authorize Sol Wolf prepare a letter to the developer of Homestead Acres Phase 3 regarding the completion of required items for Phase 3 of Homestead Acres before the beginning of September in order for the Twp to accept dedication of the streets. Motion unanimously carried.

F.) Pertinent Matters

1. GLRA Recycling Recognition Awards Program – July 7 @ 7pm – This program originally scheduled for June had been rescheduled for July 7th at 7:00pm. Suv Sattazahn said he planned to attend.

2. Municibid – Dave had advertised some used blocks from a retaining wall on Municibid. An offer of \$1277 was received.

MOTION was made and seconded to accept the highest bid of \$1277 for a skid of used blocks. Motion unanimously carried.

3. Junkyard License Renewal – Reazer’s on 2449 Elias Ave had submitted their fee for renewal of the 2015-2016 Junkyard License. Officer Kline had been working with Bob Reazer on some issues with fencing and weed control. Officer Kline has now indicated everything is in compliance. The Board is being asked to approve the renewal application for Bob Reazer on Elias Ave.

MOTION was made and seconded to approve the 2015 application for renewal from Robert Reazer’s Junkyard located on Elias Ave. Motion unanimously carried.

4. EIT Court Dates – The week of June 22 court hearing will be held for the EIT case. Mgr Grumbine said she wanted the Supervisors to be aware of the dates. She will be in attendance as she will be testifying. A request was made for attendance of Municipal members present to grant approval on issues that arise. Mgr Grumbine stated that she was not sure if one of the Supervisors wanted to attend or authorize her to make decisions.

Suv Brensinger replied that he is not in agreement with that concept at all. This issue has been dragged for 3 years or more. For anyone to ask that a decision be made on the spot is not agreeable to him. That responsibility should not rest on any one individual’s shoulders. If an executive session needs to be called to make some decisions, then so be it. Answers will not be handed out immediately. The Supervisors all indicated their agreement with Suv Brensinger’s response.

SOLICITOR’S REPORT – Sol Frederick Wolf, Henry & Beaver**A.) Weis Markets – Inter-Municipal Transfer of Restaurant Liquor License**

Sol Wolf told the Board that a request has been received from Weis Markets regarding the transfer of a Liquor License into North Lebanon Twp from another municipality. There are steps that have to be completed before this can actually occur. Weis Markets has indicated that many of their other store locations have moved to this type service for their customers. The intent is to offer beer and possibly wine for sale, either to enjoy on site or take out. He told the Board he has contacted the Attorney for Weis Markets and explained the various types of information that they will need to provide to the Twp before this process can begin. The State Liquor Control Board will make the decision as to whether or not the actual transfer will be permitted or not. This transfer request will have to be advertised twice before a Hearing can be held. An extension of time has been requested by the Twp in order to meet all the requirements. A verbal agreement has been received with the expectation of a written response to this request sometime this week.

Suv Miller asked if a representative from the Liquor Control Board would be in attendance at the Hearing. Sol Wolf replied no. This public hearing is for the purpose of the NLT residents to voice any comments or concerns they might have to the Board of Supervisors.

Transfer of Restaurant Liquor License (con't)

At this point the Board should schedule a Public Hearing on this request for the July meeting. The Board indicated their agreement to hold this Hearing at the July meeting

B.) Misc Ordinance Updates

Chf Easter has provided Sol Wolf with 3 current Ordinances that he feels should be amended.

1. Burn Ord- at various times there have been residents who have come to the meetings with issues about their neighbors burning unacceptable materials and at inappropriate times. The revision of the current burn ordinance would suggest no burning permitted in any area of the Twp. The Board may want to review certain areas of the Twp that the no burning ordinance would apply to or keep it universal throughout the Twp. Proposed civil penalties are also outlined.

2. Curfew Ord – Chf Easter has shared some revisions to the existing curfew ordinance that he feels will make the ordinance easier to enforce. Chf Easter suggests this ordinance be approved as is.

3. Pawn Shop Ord – Although the Twp does not have any pawn shops currently, it is possible that someone may decide to open one in NL Twp. Chf Easter has made some suggestions that would allow the Police to deal with stolen goods and some other situations that could arise because of these types of operations.

Some discussion about the burn ordinance revisions was held. Sol Wolf stated there had been a situation recently that brought a resident to them with complaints about his neighbor's trash burning habits. The Board was told often times people cannot sit on their porches to enjoy the evening because of a neighbor's smoldering trash. The Supervisors discussed the most recent situation that had been brought to them a few meetings ago.

Dawn Hawkins – Mount Zion Rd asked to speak on this issue. She stated that she is one of the residents who does exercise her right to burn. Also mentioned was that she only burns acceptable items such as paper towels and paper plates. She feels very strongly that she should not lose her right to burn because another individual does not follow the rules set up for burning. If the rules of recycling are followed there is not much left to burn other than paper plates, towels and other paper products. If people witness someone burning illegally all they have to do is call the Police and they will respond. She had a situation when she called the Police Dept and an Officer responded. She asked the Supervisors to use caution when they review this particular revision of the ordinance.

Suv Sattazahn said he tends to agree with Dawn's remarks. He feels that one situation should not govern a decision for so many other individuals. Because one resident is having issues with his neighbor is no reason to punish everyone else.

Suv Brensinger stated he has similar thoughts on the subject. A review should be done of the proposed amendments but he feels that not everyone needs to be punished. He mentioned the County Commissioners being so slow to issue a burn ban during drought concerns.

C.) Review of Telecommunication Ordinance – Cohen Law Group

Sol Wolf explained to the Supervisors that NLT has received a proposal from the Cohen Group to draft an ordinance regarding the "mini cell towers" that are now appearing in municipality right-of-ways.

Review of Telecommunication Ordinance (con't)

He said the group is working with North Cornwall to draft an amendment to the Ordinance for their municipality. We have been invited to work jointly with the Cohen Group to create this ordinance. A price of not more than \$3200 was the offered proposal. A choice of 2 proposals was offered: 1. A new ordinance or 2. An amendment to an existing ordinance. After a review of the current NLT ordinances it has been suggested that an amendment to the existing ordinance would be beneficial. Mgr Grumbine had notified other managers to see if there were any other municipalities interested in participating. No response was received.

Suv Miller asked what this issue would affect, zoning or planning? He was told it is a Zoning issue. The next question was about the mini-cell towers that have already been placed. Are they grandfathered? Sol Wolf said he is not sure. If the Federal law is allowing the municipality to control the placements, existing ones may not be grandfathered. At this point in time NLT does not have any mini-cell towers. What is being asked for this evening? Sol Wolf replied discuss it tonight and if agreeable act on it tonight. Or, if they have questions and/or issues, it can be tabled until next meeting.

Earl Roberts – W Kercher Ave questioned how this ordinance would relate to the Verizon tower that is planned for placement on the Twp property and the agreement with Verizon. Suv Brensinger replied not at all. It is a totally different type of ordinance involving the “mini cell towers” that are usually installed within the municipality right-of-ways and carry less air time per unit. They are not actual towers such as Verizon will be constructing on the Twp property. He explained the differences between these mini towers (which are typically placed in the right-of-way) and the actual cell tower.

Mr. Roberts questioned how it occurs that these mini towers are placed in the municipality right-of-ways? Sol Wolf responded probably by Federal law. Roberts asked wouldn't the municipality have to be compensated? Suv Brensinger replied that if this ordinance is adopted and put into place the companies would then have to compensate the municipality. Roberts said so, does he understand that right now these companies are able to come in and install their towers for their own financial gain and not compensate the municipality for it? Currently, yes that is how it is.

Mr. Roberts asked where the Twp is with the Verizon issue. He was told the agreement with Verizon had been executed several months ago. Roberts questioned if it was approved at a public meeting. Sol Wolf replied, yes definitely. Verizon is now doing whatever it is that they need to accomplish before installing the tower. Roberts stated he did not realize that the agreement had been approved. When did that take place and was it in a public meeting? Sol Wolf replied yes, there was a public hearing held which is a requirement. A Zoning Hearing was also required which had taken place. Roberts repeated his question about when it had been decided to approve the agreement. He was told it was at least 6-8 months ago. Roberts stated he had attended the meeting of November 17, 2014 and asked the question about the Verizon agreement and had been told by Sol Wolf it was pending.

Conversation followed about the timing of the Zoning Hearing, the public hearing and the decision to approve the agreement with Verizon. Mr. Roberts voiced his dissatisfaction about the answers he received when he had asked about this topic during the November meeting. He had attended most of the meetings and he does not recall this agreement being voted on and approved. He was under the impression that it was still a pending issue.

Review of Telecommunication Ordinance (con't)

Sol Wolf stated that it would probably be a good idea to provide Mr. Roberts a copy of the minutes from the public hearing, the decision offered by the Zoning Hearing Board and the agreement signed with Verizon. Roberts said it seems to be a moot point now as the agreement is a “done deal”.

Mr. Roberts stated he does not understand why the Twp would hire a professional group to draft an ordinance for the mini cell towers but would take on negotiating an agreement with Verizon, which could potentially provide a sizable income for the Twp, by the Twp Solicitor and the Twp Manager. He added he is uncertain how this particular agreement was discussed and approved without his awareness. He repeated that he had asked questions at various times and was under the impression this was a pending topic.

Mr. Roberts said he has some comments he would like to have on the record concerning the agreement. He said he remembered that revisions to the agreement were to be completed adding the Zoning Hearing Board’s contingencies. Also geo-technical information was to be forwarded to the Twp after testing was completed prior to the install of the tower. He also remembers discussion about notification to the Twp of future occupants for the tower. Sol Wolf said he would have to review the agreement to be sure of the contents as he cannot recall everything in the agreement right now. Sol Wolf repeated that a copy of the minutes from the public hearing, the decision of the Zoning Hearing Board and the signed agreement with Verizon should be provided to Mr. Roberts. Roberts questioned the decision to have a professional group deal with the Comcast agreement but did not consult a professional group about drafting an agreement for a cell tower placement by Verizon.

Mr. Roberts questioned the procedure for transcribing the Zoning Hearing Board meetings. There is a court stenographer present is there not? Sol Wolf replied there is a stenographer present. However unless a specific request is made the meeting is not transcribed. A written decision of the meeting is prepared by the ZHB Attorney, but not a transcribed accounting of the meeting by the stenographer. Roberts asked what happens to the stenographer’s information after the Zoning Hearing. Sol Wolf replied that he does not know the answer to that question. He suggested that Roberts contact the court stenographer about the process she follows after the meeting once the appeal time has lapsed. Roberts asked to receive the Zoning Hearing decisions as he would like to see what is included in the decision.

After some further discussion the Supervisors all indicated their agreement to table the issue of the mini cell tower proposal for an ordinance.

COMMENTS FROM BOARD MEMBERS**A.) Suv Miller – Gas Service**

Suv Miller said he had a resident approach him about having gas service installed. How does that get accomplished? Mgr Grumbine replied that UGI would have to be contacted by the individual. It is not something that the Twp controls or provides. Suv Brensinger stated that the area probably does not have gas service in the immediate area. Due to the cost involved, UGI will probably encourage the individual to poll the neighborhood and get as many properties interested as possible.

B.) Jake Brake Issue – Suv Miller

Suv Miller said he has received concerns about the use of jake brakes on State Rte 72 N in the area between Pansy Hill and Long Lane. He would like the Twp to try to take care of this issue. Suv Brensinger questioned Sol Wolf if the Twp is able to do any posting on a PADOT road. He replied that you can try to contact PADOT about the issue and see what their answer is. Suv Miller suggested a letter be written to PADOT by Mgr Grumbine. Then any feedback from PADOT can be provided to the residents that have asked.

C.) Kaiser Stormwater Pipe Failure in Backyard – Suv Brensinger

Suv Brensinger repeated the history of some previous meetings when the Kaisers had attended to discuss the stormwater basin issues on their property. The discussions at that time had been in reference to maintenance of the pipes located on their property that feeds to the storm basin. Since that time there has been failure of one of the pipes. It has now collapsed and their concern is required repair and maintenance for this pipe. During a visit to the Kaiser site, a quick review of the Twp owned pipes was reviewed and indicated the pipe is also compromised and failing. The Kaisers are now asking for assistance from the Twp, financial or otherwise, to deal with this pipe failure. No answer was given at the time of the site visit as he felt this is a decision for the full Board to make together.

A review of the problems on Water Street, from Long Lane to Lions Lake entrance, was completed last Friday. While the videoing was being done in this area, Suv Brensinger had the crew video the pipe in front of the Kaiser property (Twp owned) and the pipe that feeds to the rear of the Kaiser property (privately owned) in order to determine how much of the pipe is compromised. The pictures show the pipe is rusted through on the bottom at the beginning and the very end only. The whole pipe is not bad, just the ends of the pipe. The complete video, once received, will show any other compromised areas and deficiencies that are found.

Suv Brensinger said he put together some numbers for the Supervisors to get an idea of the costs being discussed. To complete these repairs, if it were Twp property and the Twp doing the work of replacing the whole pipe, end to end, it would cost in the area of \$6,600.00. Suv Sattazahn questioned if there is a method similar to slip lining the sewer pipes that could be implemented. Brensinger replied yes there is a process that could be used. A quote to go that route of repair would need to be requested as he does not know the costs for that process. Conversation about this type of process was held.

Suv Brensinger told the Board that since that visit to Kaisers, the Twp has experienced several failures including one on Water St, north of the Kaiser property. He told the Board he has already asked Steckbeck to start the permit, DEP GP-11, process that will be required prior to repairing these pipe failures. These repairs are necessary to be completed however nothing can be done until a permit is received. Suv Miller questioned what issues could arise from not completing the repairs now as opposed to later. He was told the longer the repairs are put off, the more damage will be done to the system overall. The end result of all of this is that the Twp's funds for road repairs will be almost exhausted. The fund will be the lowest it has ever been since Ed has been Roadmaster for the Twp.

Suv Sattazahn stated he felt that the Twp should not be expending funds to fix issues on private property. As much empathy as he might have for those people, the Twp cannot set that type of precedence. Discussion on a stormwater authority had been held in the past and the ability to assess stormwater fees.

Stormwater Pipe Failure (con't)

However as has been pointed out several times this would be for public not private facilities. Suv Brensinger mentioned trying to address potential issues such as this at the time of approving subdivision plans that contain stormwater facilities. That way the costs would be shared by all the property owners within the development, not an individual owner.

Suv Miller said he is thinking out loud here. Shouldn't we check to see what the costs are going to be to complete the repairs on the Kaiser property before responding yes or no to their request for help? He also wondered if refusing to help the Kaisers, how or could it affect the MS4 program of the Twp? Suv Brensinger said as far as offering assistance to the Kaisers, he reminded the Supervisors about Joe Zidik's situation. Just recently, the Twp had told Zidik no, that the Twp cannot do repairs on private property that involve stormwater. The water being directed onto the Mechanic St was a direct result of his private property. By using cooperation, which did not include financial assistance, Zidik was able to resolve the issue.

Suv Miller said this is a situation that needs to be corrected. Why not tackle it now instead of later, when the situation becomes worst case scenario? He said even with the feelings of empathy for the Kaisers, there does not seem to be an easy answer. Suv Brensinger questioned what happens if a letter is mailed to Kaisers and their neighboring property instructing the repairs must be completed and then the repairs are not completed. What then? How does the Twp enforce that? Although the problem at the Kaisers needs to be addressed, he is fearful of offering assistance, which would open the door to other situations. In summary Suv Sattazahn said we should wait to hear dollar amounts for repairs, for both Twp failures and the Kaiser's, then revisit the Kaiser discussion and see what the feelings are at that time.

Earl Roberts asked if Twp employees do all stormwater work. Suv Brensinger replied not all of it but when possible a lot of the work is completed in-house. Roberts said if outside contractors are needed, it is possible to mitigate costs to a Twp resident who would be doing private projects by coordination of Twp projects. This could be especially effective when the Twp's project is working right at the edge of the private property. Suv Miller remembered the last time the Twp tried to coordinate a work project with several property owners. The project did not go anywhere as no agreement between the 6 property owners could be reached. Roberts replied this situation seems somewhat different as the problem is not an option, this problem must be repaired.

Suv Miller asked about the sinkhole located at 25th St. Suv Brensinger stated he had been told that hole is getting worse all the time. It will need to be repaired within the next week.

With no more business to discuss, meeting adjourned.

Respectfully Submitted

Theresa L. George
Recording Secretary