

**MINUTES
NORTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS
JULY 20, 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.

MOMENT OF SILENCE – George Gettler Jr.

Chm Brensinger talked about the years of service that George Gettler Jr has given as a volunteer Firefighter in NL Twp. A moment of silence was observed in memory of George Gettler Jr.

COMMENTS FROM THE PUBLIC

A.) Rick Shauers – Harmony Hill Dr; Burning Issues

Mr. Shauers reminded the Board he had attended a meeting several months ago concerning his neighbor's burn barrel habits. This neighbor continues to burn unacceptable items and does so at all times of day and night, particularly when Shauers is trying to enjoy outdoor time on his porch area. Shauers daughter and grandson live with him at this address. His grandson has breathing difficulties and the smoke from the smoldering burn barrel affects the child's health. Shauers said he was told to contact the Police Dept, which they have done repeatedly. The Officers do respond, when they are able. However the burning items are often times already disintegrated by the point in time that the Officers are able to respond.

Sol Wolf explained to Shauers that the Board completes a review of the Ordinances annually to update any Ordinances that might need to be revised. The burning Ord is one of the Ordinances being reviewed this year.

Mr. Shauers provided pictures showing the location of the burn barrel in the neighbor's backyard. Some discussion took place about the language in the burn Ordinance. Mgr Grumbine read from the Ord saying all burn containers must be placed 30' away from all structures and 10' from all property lines. The Supervisors requested that Chf Easter have Officer Kline visit the neighbor and explain the language in the Ordinance and to check on compliance. Should they continue to ignore the Ordinance a citation should be issued to the neighbor.

B.) Richard Moore – AG Preservation

Mr. Moore attended tonight to thank North Lebanon Twp for their continued support of land preservation. He mentioned some statistics regarding farms that have been preserved to date and also the list of farmland waiting to be preserved.

AG Preservation (con't)

Moore told the Board that the support of the local municipalities is what triggers the State and Federal allocations that are made to the program. He once again thanked North Lebanon for their support of the land preservation.

C.) Martin Barondick – New Street; Ebenezer Fire Co Siren

Mr. Barondick told the Supervisors he has lived in Ebenezer for 45 years and has heard the fire siren sounded for that amount of years. With all the current electronic devices he no longer understands the need for the activation of the fire sirens. The neighboring property owners find it annoying and distracting. At this point Barondick said he considers it to be noise pollution. Just recently the siren had been activated and he decided enough is enough.

Barondick is in attendance on behalf of a group of citizens who would like the siren to be silenced. This issue had been raised by Barondick a few years ago. He appealed to the Supervisors to take action and tell the Fire Company to turn the siren off. He told the Supervisors they “hold the purse strings” and have the “clout” to demand the siren be de-activated.

Chm Brensinger asked Lee Spencer if he wanted to comment on this topic. Spencer stated that the Fire Company siren has been active for all the years the Fire Company has operated. EMA activates the tones when the initial call is received. The tone is hit again for dispatch to the scene and then again once the call and scene is secured. Spencer said several years ago EMA was asked to NOT hit the tones when the scene was secured as they felt that part of the process was not needed. The Fire Company as a group discussed the request to silence the sirens at the station. It was voted on and decided to keep the siren active and continue using the sirens.

Scott Wartluft, member of the Glenn-Lebanon Fire Company, informed the Board that the siren system at G-L Fire Co was recently repaired and that G-L Fire Co has no intention of silencing the alarm/ siren system for their station. He personally feels the siren is a good “heads up” to active firefighters. It is a warning to be ready to get called out if the siren is coming from a neighboring fire station. It is also a warning to members, who are not near their electronic devices, that a response is needed from the station.

Mr. Barondick told the Board he would like some type of response from them tonight. It is his intention to take this issue to whomever he needs to in order to get this siren de-activated. Chm Brensinger asked his fellow Board members for their opinions. He personally does not wish to make a decision tonight. Suv Miller and Suv Sattazahn both indicated their agreement that an answer is not to be decided tonight.

Grace Conrad -New St wanted the Board to know she is in agreement with every remark that Mr. Barondick has made tonight. The siren is annoying to some people.

7:30 PM PUBLIC HEARING – Sol Fred Wolf**RESOLUTION 12-2015 – Weis Markets, Liquor License Transfer Request**

Sol Wolf explained this public hearing is part of a requirement regarding Resolution 12-2015, which would allow the transfer of a Liquor License to North Lebanon Twp from another municipality. This public hearing was advertised, as required, to allow NL Twp residents an opportunity to voice their comments or ask questions pertaining to the transfer of the Liquor License. The number of Liquor Licenses is determined by the population of a community. North Lebanon Twp is already at its maximum number of licenses per our population.

Liquor License Transfer Request (con't)

However that does not mean the Board cannot accept this request for additional Liquor Licenses. The Twp's decision on the transfer request will then be forwarded to the Pa Liquor Control Board. The Board must adopt a Resolution allowing the transfer process.

In attendance tonight to present Weis Markets request is Attorney Michael W. Schlagenhauser and Dave Gill, Architectural and Land Development specialist. Sol Wolf suggested that Weis Markets be permitted to provide their presentation and the public will be permitted to question and/or comment on the request.

Attorney Mike Schlagenhauser gave a brief history of the Weis Markets Company and the number of stores that currently already have a Café located in the grocery stores. The Café offers the choice of beer as a beverage for sale. A policy exists that allows 2 bottles of beer be purchased while in the Café and a maximum number of 192 ounces purchased for takeout, whether it be (2) 6-packs or (1) 12 pack. All the Weis employees, who are of legal age to handle alcohol, are RAMP (Responsible Alcohol Management Program) trained. It was explained that the intention is to remodel the Lebanon store, located in NL Twp, to include a Café where the beer would be available.

Q: Sol Wolf confirmed it is the intention to sell beer in this Café located in the store. Answered yes. Sol Wolf then asked if the Liquor License for grocery stores, which have limited alcohol sales, is different than a distributor license.

A: A retail Liquor License to sell beer limits the amount of alcohol to be sold per visit. Weis Markets is limited to 192 ounces of beer per visit. If an individual wanted to purchase additional amounts, they must exit the store and re-enter to make another purchase.

C: John Resanovich Sr commented on his faith in the Supervisors to act in the best interest of the Twp and he will support whatever decision they make. His only comment is about the people who will be serving the beer and who has the final authority to confirm legal age status.

A: Dave Gill repeated that all the employees at Weis are RAMP trained. The sale of beer in the Café is only one more service that Weis offers. Nobody is going to risk the company's reputation by breaking the law. Weis' employees have access to scanners to review any IDs presented to insure legality as well cameras to review for any problems that might arise.

Q: Jay Despande, who is the owner of E&E Distributors located in S Leb Twp, questioned the remark made about a limitation of 192 ounces being sold. He voiced disagreement with the amounts that had been mentioned earlier. A discussion was held about (2) 6-packs versus (1) 12-pack. Despande provided a Memo from his Attorney stating the Attorney's opinion regarding Section 461 of the law. Despande is stating the Supervisors do NOT have to take action to approve the transfer of the license request tonight.

C: Sol Wolf questioned Despande if his objection is the wording that says "shall approve" the request. He said the wording could be revised to reflect a different connotation.

A: Dave Gill responded that the Memo from Despande's Attorney is an Attorney's opinion about the law. As far as the amount of takeout permitted, the employees have a sheet listing the number of bottles/cans and the ounce sizes legally permitted for a single sale to one individual.

Liquor License Transfer Request (con't)

C: Attorney Schlaganhauser for Weis Markets at this time asked if Jay Despande lived in North Lebanon Twp. He answered no, he does not. Attorney Schlaganhauser then questioned if his business is or is not located within North Lebanon Twp. The reply was no, it is located in S Leb Twp. It is the understanding of Attorney Schlaganhauser that the purpose of this Hearing is to hear questions/comments from North Lebanon Twp residents.

C: Jay Despande stated that his business is located within 1 mile of the location where the Weis Company wants to place this Café to sell beer.

Q: Suv Brensinger asked if the consumption of the beer is done only in the Café area or is the person permitted to imbibe while grocery shopping?

A: The response was only in the Café area.

C: Harriet Kutz commented that she is not a resident of North Leb Twp but she is a member of the church located in North Leb Twp. Ms. Kutz stated she is opposed to the sale of alcohol in any grocery store. She does not feel it is the venue for this activity and exposing minors to alcohol consumption. In today's society with MADD and SADD focusing on prevention why would we allow the sale of alcohol in the grocery arena. She said Chf Easter could probably provide the number of drunk driving incidents. It is her opinion that society is entirely to accepting of alcohol consumption.

Q: Jay Despande questioned the regulation in the law about a 200 ft distance between the entrance/exit of another licensed facility. A&M has a Liquor License and is within 200 ft of the Weis Market location.

A: Attorney Schlaganhauser stated that would be something that would have to be researched and confirmed or denied. He said the law also states that the licensee has the right to protest another Liquor License being approved whether within 200' or not.

Q: Sol Wolf said a Public Hearing and approval is the first step in the transfer process. He asked if the store is required to post a notice in the window of the location.

A: He was told the facility posts a sign that states this address is in the process of applying for and transferring a Liquor License.

Q: Charles Allwein asked if he understands that the individual has a choice of drinking 2 beers in the Café or the option of buying a 12 pack to go.

A: Attorney Schlaganhauser told Allwein the 2 drink limit at the Café is Weis' regulation but the person is still able to purchase a 12 pack to go.

Q: Bonnie Grumbine questioned the under aged employees who work at the grocery store. Are the employees who work the Café age appropriate to handle alcohol?

A: Attorney Schlaganhauser answered that all employees handling the alcohol in the Café are age appropriate and will receive RAMP training, which is required by Weis Markets.

Q: Suv Sattazahn questioned if the entrance/ exit to the Café is secluded or is it right in the middle of the grocery store?

A: He was answered that the Café is not secluded. However the area is designated by a change in the flooring and the décor so that a noticeable difference is seen.

Liquor License Transfer Request (con't)

C: Dawn Hawkins commented that she is a resident of NL Twp and she trusts the Board to make a decision in the best interest of the Twp. She also mentioned if the Twp already has its limit of Liquor Licenses per our population, she really does not feel we need another one.

Sol Wolf stated the Liquor Control Board requires an action from the Supervisors within 45 days of receipt of the request for the transfer. The applicants, Weis Markets, agreed to an extension to the date of the monthly meeting, which was tonight. He confirmed Attorney Schlaghauser and Dave Gill that Weis Markets is not in favor of another extension of time. Attorney Schlaghauser stated that they are not approving another extension at this time.

Suv Miller commented that he has taught Alcohol Safety Driving for many years. Currently he has 2 individuals in his class that are minors and are enrolled in the class due to alcohol charges. As far as getting into a vehicle and driving after consuming alcohol, a person's judgement is impaired after consuming 1 glass of alcohol. He has a real concern about allowing a person to consume 2 glasses of alcohol and then getting into a vehicle and driving away and possibly having children in the vehicle. He is opposed to this request for a transfer of Liquor License.

Dave Gill remarked he has heard the comments tonight. He understands the concern about children and underage drinking. In response to the gentleman who has a distributor business down the road, this is not a competition. The venue is totally different than that of a distributor business. It is a challenge to serve alcohol responsibly but he feels Weis makes every possible effort to serve alcohol responsibly. He also feels Weis rises to the challenge successfully.

Public Hearing concluded at this time.

Sol Wolf told the Board that Weis waived the original 45 day time period so the Hearing could be held this evening. Attorney Schlaghauser and Dave Gill have indicated they are not interested in another extension of time for action from the Supervisors. The Supervisors must take action on this request this evening. Suv Miller questioned Sol Wolf if the Supervisors do not take action tonight does it equate to an approval for the applicant? Sol Wolf agreed that is true.

MOTION was made to adopt Resolution 12-2015 approving Weis Markets request for a Liquor License transfer to North Lebanon Township. Failure of a second kills the Motion to adopt Resolution 12-2015.

Resolution 14-2015

MOTION was made and seconded to adopt Resolution 14-2015 denying the transfer of a Liquor License to North Lebanon Township. Supervisors Miller and Sattazahn voted in favor with Supervisor Brensinger opposed the Motion. Motion passes by majority vote 2 to 1.

COMMENTS FROM THE PUBLIC (con't)**D.) Harriet Kutz - Calvary Church Fun Run**

Ms. Kutz explained she is representing the Calvary Church, which is located in North Leb Twp, in preparing a Fun Run event scheduled for 8/29/15. The event will start at 9am for the runners and the walkers. The runners will be on some Twp roads while the walkers will be walking on the church grounds. Ms. Kutz has already spoken to Roadmaster Brensinger and Chf Easter about the mapping of the area for the runners. The roads will be in use from approximately 9am until 9:30am. She is requesting assistance from the Fire Police at road intersection during the time the

runners will be running.

Calvary Church Fun Run (con't)

A certificate of insurance has already been provided to the Twp office and Roadmaster Brensinger has viewed the mapping of the area and measured the distance for Ms. Kutz. She is asking for the Board's approval to move forward with this event and the assistance of the Fire Police.

MOTION was made and seconded to approve the Fun Run event for the Calvary Church scheduled for 8/29/15. Ms. Kutz is instructed to work with Chf Easter to organize the Fire Police assistance. Motion unanimously carried.

E.) Charles Allwein – Martin Dr

Mr. Allwein questioned the steel plates on Water St and Martin Dr. Chm Brensinger explained the road subsidence as a result of the hot sun, the black macadam and the underground sewer lines. He told Allwein repairs are being researched and will be completed once a definite decision is made on how best to complete the repairs.

APPROVAL OF MINUTES

MOTION was made and seconded to approve the Joint Meeting of the Board of Supervisor and Municipal Authority minutes from June 11, 2015. Motion unanimously carried.

MOTION was made and seconded to approve the Supervisor meeting of June 15, 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 – June

A summary report for the month of June was given. For the month of June the calls for service amount to 42, along with 10 training sessions attended. A total of 775' of hose was used. A total of 257:29 personnel hrs of which 151:10 hrs was training time was logged for June.

CHIEF OF POLICE REPORT – Chf Harold Easter

A.) Monthly Report – June 2015

Chf Easter reported on the activities for the month of June 2015 and mentioned some of the individual categories for these calls of service. Chf Easter reported there were a total of 632 Police-citizen contacts for the month of June with a total of 8,679 miles logged on the cruiser cars.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine

A.) Engine Brake Retarder – Rte 72 N

Suv Miller at a previous meeting requested that Mgr Grumbine research the requirements for placement of Engine Brake Retarder prohibition signs on Rte 72 N from Pansy Hill area to the Long Lane. A response during a conversation with Lebanon County Mgr from PADOT was that a letter needs to be forwarded to the Traffic Unit at PADOT (through him) requesting signage. The Twp is responsible for purchasing, installing and maintaining the signs. Municipal Police will only enforce as State Police will not enforce local Ordinances. If the Board is in agreement to post the signs, the definite length along Rte 72 N will need to be determined. If approved an

Ordinance will need to be adopted to allow posting and enforcement.

Engine Brake Retarder – Rte 72 N (con't)

Paul Rittle – Ebenezer Rd stated there is no need for retarder brakes to be used on Route 72. Some truckers are using their retarder brakes moving north passing the New Covenant Christian School. That lane is on an incline and should not need a retarder brake to be used. The loud noise and the rumble of their windows is terrible, according to Rittle.

Suv Brensinger questioned Chf Easter if the signs are installed and are included in the Twp Ordinances, will the NLT Police Dept be able to enforce the signage. Chf Easter agreed that the Officers would be able to stop the vehicles and cite if and when necessary.

MOTION was made and seconded to forward a letter to PADOT requesting signs for prohibition of Engine Brake Retarder usage on Route 72 N from Jay St to the Long Lane traffic light intersection area. Motion unanimously carried.

B.) Pension Contract Amendments; revised IPS

Mgr Grumbine informed the Board during the last Pension Committee review, a representative from Conrad Siegel informed the Committee about some suggested changes as follows:

- Additional language in Contract with Conrad Siegel
- Addendums with Charles Schwab - both Pension plans
- Revision to investment policy statement - add Principal Financial Group

Mgr Grumbine recommended the Board's approval of these changes.

MOTION was made and seconded to approve the above changes recommended to the Pension Plans, as well as the other pertinent documents, by the Pension Committee. Motion unanimously carried.

C.) Pertinent Matters

1. EIT Over/ Under Issue – Judge Charles Decision; Mgr Grumbine told the Board that the office has received the formal written decision handled by Judge Charles in regards to the EIT Over/Under issue. Mgr Grumbine told the Supervisors she would keep them updated as information is received from Pepper Hamilton.

SOLICITOR'S REPORT – Sol Frederick Wolf, Henry & Beaver

A.) Boats, Trailers Parking on Twp Streets – Research

Sol Wolf reminded the Supervisors about a conversation held last meeting regarding a boat parked on Cedar Crest Dr that has been in place and not moved for at least 6-7 years. Sol Wolf did review an Ordinance South Leb Twp has adopted and had been provided to the Twp by a concerned neighbor. He said the Ord reads very similar to the Ord that NL Twp had adopted and then repealed several years ago. He has discovered North Cornwall Twp has a similar Ord regarding parking of recreational vehicles on public roads. While researching this topic Sol Wolf found the reason the Board repealed North Lebanon's Ord was due to the expense of posting signage which would be required in order to enforce the Ord.

Suv Sattazahn spoke to Chf Easter asking if he could seek out the owner of the boat and discuss this issue with him in hopes of resolving the problem and getting the boat removed from the street. Chf Easter agreed to Suv Sattazahn's request.

Boats, Trailers Parking on Twp Streets (con't)

Suv Miller asked that the Twp proceed with a draft of an Ord anyway to have on hand for the next situation. Sol Wolf stated the language in NL Twp's Ord, which had been repealed, would still be applicable after a re-adoption.

John Yalch said he lives in the neighborhood being discussed. He has another neighbor on Suzanne Dr who typically parks a camper in their backyard. Yalch said he has no problem with that at all. However after a recent trip and returning home, Yalch overheard this neighbor remarking maybe he should just start parking the camper in the street as it would be so much easier. Yalch told the Supervisors if something is not done about this boat there will be many other recreational vehicles parked in the public streets. These vehicles create sight problems as well as bottle neck traffic flow. He encourages the Board to do something about this problem before someone gets seriously hurt.

Chm Brensinger told Sol Wolf he would be in favor of adopting an Ord but not in favor of posting all the streets in the Twp. He said not only is it an expense it would be "sign pollution". Sol Wolf replied adoption of the Ord would be permitted but without signage citation could not be issued according to the vehicle code.

B.) Misc Ordinance Updates – Burning, Curfew, Pawn Shops

Sol Wolf reminded the Supervisors that he has been working with Chf Easter on some of his requests for Ord updates. The Ord regarding parking of recreational vehicles that was previously discussed will also be added to the updates. A draft of the updates will be completed, a work session should be scheduled and a Public Hearing will be held before any action is taken by the Board.

C.) Review of Telecommunication Ordinance – Cohen Law Group

During the meeting last month the Supervisors had tabled this issue. The question is whether the Board wishes to coordinate with North Cornwall to contract with the Cohen Group to draft an Ordinance on mini-cell tower placements in the Twp right-of-ways. This would be an amendment to the current Zoning Ord and preserve certain rights of the Twp as far as the installs of the mini-cell towers. The contract with the Cohen Group would be a maximum cost to the Twp of \$3200.00. The Supervisors should take action tonight in order to notify North Cornwall and get started on this issue.

MOTION was made and seconded to move forward with coordinating with North Cornwall Twp the contracting of the Cohen Group to draft an Ordinance for telecommunication not to exceed the cost of \$3200. Motion unanimously carried.

D.) Letter to Developer – Phase 3 Homestead Acres, finalize improvements

Sol Wolf informed the Board he had sent a letter to the developer of Homestead Acres Phase 3 in regards to completion of the streets and some misc items. In the letter he directed contact be made with Rick Bolt of LCPD and Roadmaster Ed Brensinger. Suv Brensinger indicated he did not receive any communication as of this date. A discussion was held about the deadline for Liquid Fuels, which is 9/01/2015.

Suv Miller questioned what happens if the developer defaults on this requirement. Does the Twp

use the Letter of Credit to perform or contract to have the work performed? Sol Wolf agreed that could happen.

Phase 3 Homestead Acres, finalize improvements (con't)

Suv Brensinger voiced his concern that the amount determined 10 years ago will not be sufficient to cover the paving expenses today. The Twp would have to “eat” the difference in pricing.

Suv Sattazahn then suggested a date be scheduled as a deadline immediately prior to the August Board meeting. That way the Board is able to take action in time for the 9/01/15 deadline to meet the Liquid Fuels requirement. Suv Brensinger stated the developer could complete the surfacing after the 9/01/15 date but the Twp could not add it to the Liquid Fuels listing for compensation.

E.) Resolution 13-2015; Notification on Tree Trimming – 6’ diameter

Sol Wolf explained the Twp crews experience situations where the growth of trees planted along the right-of-ways interferes with the operation of the crews attempting to complete work projects. Suv Brensinger stated that home owners do not consider how quickly trees grow and the damage that can be inflicted on the equipment in the winter time when everything is ice covered. He had thought the Twp had the right to trim trees/shrubs in the right-of-ways if the homeowners refused to do so. He recently discovered a Resolution had to be adopted outlining a procedure prior to the Twp crews completing the trimming. The Twp had not previously adopted a Resolution so will need to adopt one for this trimming work to be done in compliance. Some general discussion about the trimming process was held.

John Resanovich questioned if the Twp is forced to do the trimming instead of the property owner, will the property owner be billed for this service? Suv Brensinger replied that is an option but at this point in time the Twp does not intend to do any invoicing for the tree trimming that is required.

MOTION was made and seconded to adopt Resolution 13-2015 adopting a tree trimming policy for the Twp right-of-ways. Motion unanimously carried.

COMMENTS FROM BOARD MEMBERS

A.) Suv Dick Miller – George Gettler Jr.

Suv Miller announced that a viewing for George Gettler Jr. will be held Tuesday evening and the funeral on Wednesday. George offered his services as a volunteer firefighter for 48 years. He gave to his community, the Twp and the County for all those years. Suv Miller expressed his disappointment about the way George’s volunteerism ended. He is extremely disappointed in the reactions and the treatment displayed to the Gettler family by the State Workers Insurance Fund. There is no understanding the lack of empathy that the Gettler family was treated with.

Suv Brensinger added his thoughts that George Gettler will be missed by his community, the Twp and the County overall. He gave his volunteer hours willingly and without reservation.

B.) Suv Bruce Sattazahn – July 3 Holiday

Suv Sattazahn mentioned the July 3 Holiday that was observed by most of the working class. On that day he received a phone call from a resident stating the YardWaste gate was not operating. He proceeded to call Mgr Grumbine. Mgr Grumbine and Bonnie Grumbine both took time from their day off to come into the office and resolve the computer “hitch” so the gate was operating effectively. He wanted to thank both of them for taking care of Twp business on their Holiday time.

With no more business to discuss, meeting adjourned.

Respectfully Submitted

Theresa L. George
Recording Secretary