

**MINUTES
NORTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS
SEPTEMBER 14, 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 representatives of Weis Markets and several other individuals. The meeting was called to order and the pledge to the flag was done.

Chm Brensinger informed everyone that the Public Hearing for the Liquor License Transfer request from Weis Markets will begin at 7:30pm.

COMMENTS FROM THE PUBLIC

A.) Riptide Signs – Sam; Dollar General

Sam Chambers from Riptide Signs was present to request approval for a free-standing sign to be located at the Dollar General property on State Rte 72 N. The size of the sign is larger than permitted by the Twp for a sign. Suv Sattazahn questioned if the free standing sign shown is the same sign that is displayed at all Dollar Generals locations. He was told yes, these signs are all standard for Dollar General Stores. Suv Miller asked if there are other signs within the Twp that are the same size as this proposed sign. Mgr Grumbine explained yes, there are other signs. The reason for the requested approval is because the size of the sign is larger than the Ordinance permits.

MOTION was made and seconded to approve the free standing sign proposed for the Dollar General location on Rte 72 N. Motion unanimously carried.

Sam Chambers, of Riptide Signs, mentioned that LCPD stated they would need something in writing from the Twp to confirm that the sign was approved. He provided a written statement and asked that someone sign it so he can take it to LCPD. Chm Brensinger signed the statement and asked Mgr Grumbine to email LCPD also with the information.

APPROVAL OF MINUTES

MOTION was made and seconded to approve the Supervisor meeting minutes of August 17, 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 – August**

A summary report for the month of August was given. For the month of August the calls for service amounted to 49, along with 10 training sessions attended. A total of 580 ft of hose was used. A total of 194:16 personnel hrs and 121:00 hrs was training time was logged for August.

B.) Internal Fire Study Committee

Wes reported that Ebenezer Fire Co was holding their meeting tonight and will have the names of appointed members for the Fire Study Committee tomorrow. Mgr Grumbine reminded the Supervisors that Rural Security has appointed 2 members to sit on the Fire Study Committee. They are Allen Firestine and Darrin Heist. Weavertown Fire Co has appointed Don Steiner Jr and Don Steiner Sr. Glenn-Lebanon will report once their appointees have been named.

CHIEF OF POLICE REPORT – Chief Harold Easter**A.) Monthly Report – August 2015**

Chf Easter reported on the activities for the month of August 2015 and mentioned some of the individual categories for these calls of service. Chf Easter reported there were a total of 645 Police-citizen contacts for the month of August with a total of 8,243 miles logged on the cruiser cars.

B.) Certificate of Insurance – White's Harley Davidson; Oct 3 Cruise Night

Chf Easter reported he has received the certificate of insurance for the annual White's Harley Davidson cruise night scheduled for October 3, 2015.

C.) Trick or Treat Night

Chf Easter mentioned that the Police Chiefs' Association has determined Thursday, October 29, 2015 6pm to 8pm for Trick or Treat night and will be observed that night County-wide.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine**A.) Engine Brake Retarder – Rte 72 N; PADOT Response**

As a follow from previous meetings, PADOT has provided their approval for the Twp to install Brake Retarder Prohibition signs on Rte 72 from Long Lane to Water Street. The letter included information on the signs and installation. The signs will be included in the Twp's 2015 Ordinance update so they can be installed.

Chm Brensinger discussed the enforcement of these signs with Chf Easter. He questioned how the enforcement will be done and how it would hold up in the event of any type of appeal. Chf Easter stated that the Officers would do traffic stops and explain to the trucker drivers Ordinance requirements. Decibel levels were discussed. Suv Brensinger said he still is not sure about the posting of these signs. He feels it will just be another sign. Suv Sattazahn asked about the cost per sign. He was told total materials and labor would be approximately \$100 per sign.

Suv Sattazahn next asked how many complaints were actually received. He was told there was only one person here at the meeting. Suv Miller stated he had been approached by Paul Rittle but during the conversation he had told Suv Miller that there were some of his neighbors complaining about the annoyance also. Suv Sattazahn suggested tabling this issue for a while. The Twp already has PADOT's approval to install the signs. Suv Brensinger stated that the Twp does not have the signs in stock as we have not posted any of these signs in the Twp. If more complaints come to the Twp, the issue can be revisited at that time.

Engine Brake Retarder (con't)

MOTION was made and seconded to table the installation of signs on Route 72 North from Long Lane to Water Street. Motion unanimously carried.

B.) Bridge Inspection Reports; Emma Lane & Long Lane

Wilson Consulting has completed the bi-annual inspection for Emma Road and the Long Lane bridges. In both instances the engineer has listed maintenance recommendations. Mgr Grumbine provided this to the Board for their information.

C.) Hampton Inn Variance Request

A Zoning Hearing is scheduled for Tuesday, October 6th @ 7:30pm for a proposed Hampton Inn Hotel. They are requesting a Special Exception to construct a four-story hotel with a maximum building height of 55'2". Additional variances are being requested, as outlined on their petition. If the Board has any recommendation that they would like presented at the hearing, it should be discussed and a representative should be present at the hearing.

Chm Brensinger said it appears the variances almost all involve parking issues. He spoke to Mgr Grumbine about the previous planning for this area about 10 years ago. He asked her if the proposed agreement to the various property owners concerning an access road to the rear of these properties, onto Joel Dr, was "scrapped". She replied the property owners at that time decided not to follow through with signing the agreement reviewing the need for an access road at the time of any future developing in this area. The concern had been the traffic onto and off of Route 422. He asked about the PADOT permit that would be required unless the entrance is planned to be the existing driveway. Suv Brensinger told her that would be his concern to take to the Zoning Hearing Board. Chm Brensinger told his fellow Board members should they have any concerns or questions after reviewing this requests for variances, they should be able to voice them at the ZHB on October 6th @ 7:30pm.

D.) Mt Pleasant Ventures LLC (Homestead Acres Phase 4)

A Zoning Hearing is scheduled for Tuesday, September 22 @7:30pm for Mt Pleasant Ventures requesting a variance for the front setback from 40' to 30' for 7 vacant lots. If the Board has any recommendations a representative should be appointed to attend this meeting on their behalf.

Suv Brensinger said his intention is to attend this Zoning Hearing. He said he is familiar with the reasons this developer is asking for variances. The building envelopes on these lots shrink in size due to the fact there are wetland and stormwater appurtances that are not permitted for any type of use. He asked Mgr Grumbine to confirm the setback had been 30' in the past and only recently was updated to 40'. Mgr Grumbine agreed that remark is true. He told his fellow Board members he would welcome their attendance also.

E.) Dynatech Maintenance Agreement

The Twp Mechanic has asked that the Board review and approve the planned maintenance agreement with Dynatech for the Olympian Generator. The annual rate is \$495 and covers the items listed in the agreement. Suv Miller asked if this was the one we approved last year and he was answered yes, it is.

MOTION was made and seconded to authorize the Chairman to sign the maintenance agreement with Dynatech for the amount of \$495. Motion unanimously carried.

F.) Pertinent Matters

1.) Park & Rec Memo – The Park & Rec provided an outline of 3 subjects in a Memo dated 9/04/2015.

- The 1st topic discusses the Lion's Lake Playground equipment and recommends replacement for 2016. Mgr Grumbine said she would expect to see something in Budget discussions.
- The 2nd topic is lighting for the Long Lane area. Dustin Daubert from the Football Assoc was present to discuss this request. He told the Board additional lighting is necessary as often it is dark until the practice sessions are over. Although there are 2 lights already installed the one corner is too dark due to lack of lighting. They are talking about a dusk-to-dawn light that is similar to the 2 existing lights. The Association is offering to purchase and have it installed professionally, at no cost to the Twp. The only cost to the Twp would be the electric and future maintenance costs. Suv Brensinger asked Daubert if they have any plans or renderings that shows exactly what is being requested. Daubert answered no, but he could get the information together and have it for the Supervisors at the October 19th meeting. The Supervisors indicated their agreement.
- A 3rd topic is a planting area on the bank behind the John Lyter Teener Field. Ann Pinca who has made the suggestion will be providing information to the Board.

*****7:30pm Public Hearing - Request from Weis Markets for a Liquor License Transfer**

At this time Chm Brensinger stopped the regular Supervisors meeting and turned the meeting over to Sol Fred Wolf.

Sol Wolf announced this is the second hearing held due to a request from Weis Markets for a re-hearing on the transfer of a Liquor License. He mentioned the advertising requirements of the Hearing and the posting of the information on the Twp website. Sol Wolf gave a brief summary of what had occurred at the last Public Hearing on this topic. A Resolution had been adopted denying the request from Weis Markets. The minutes from that Hearing will become a part of the record for this Hearing proceedings. Sol Wolf has prepared 2 different Resolutions for the outcome of this Hearing, one for the request being approved and one for the request to be denied. The number will be Resolution 15-2015.

The procedure for this Hearing was outlined by Sol Wolf. A list of issues was provided to the representatives from Weis Market. Sol Wolf has asked them to address the list of issues. He stated everyone in the room will be given the opportunity to speak should they choose to do so. When recognized, name and address should be given for the record. The individual should also state whether or not they are a North Lebanon Twp resident.

Attorney Stan Wolowski introduced himself to the Board as the legal representative for Weis Markets. He agreed Sol Wolf had asked him to cover a list of issues during his presentation. Attorney Wolowski explained the standards this Board is expected to follow when considering this request for a transfer of Liquor License. The Supervisors' main consideration is always the welfare, health and prosperity of the Twp and the residents within the Twp. The area within the store that will contain the licensed premises will be separated by railings and/or bollards in order to identify the area as separate from the grocery store. The licensed premises will advertise the alcohol, provide the alcohol and customers will consume the alcohol within this area only.

Liquor License Transfer (con't)

A strict maximum purchase of 192 ounces is followed at all times by all employees of the Weis Markets. All employees working within the alcohol premises are RAMP (Responsible Alcohol Management Program) trained. Part of that training enforces not selling to minors or selling to intoxicated individuals. Weis' policy is to terminate any employee who does not adhere to this policy.

The license being requested for transfer is a restaurant liquor license, which means in order to allow minors in this area, at least 50% of sales must be food sales. Anyone having a restaurant liquor license is held to this restriction. Attorney Wolowski stated that the request to North Lebanon Twp to allow the transfer of this license is the first step in the process. After tonight's meeting Weis Markets will then have to file application with the PA Liquor Control Board. The Weis building will be posted about the application with the Liquor Control Board. At that time anyone, whether within North Lebanon Twp or outside of North Lebanon Twp, has the opportunity to file a protest with the PA Liquor Control Board and will have the chance to address the Control Board with any comments they might have.

Sol Wolf told the public they may ask questions or comment at this time. He instructed everyone to announce name and address for the record and whether or not there is a business at the location.

John Resanovich - Marcon Dr questioned Attorney Wolowski about how Weis handles a customer, who is of age, buying and providing alcoholic drink to a minor. Would they call the local Police to handle the situation?

Attny Wolowski stated there is internal security that would be called immediately. The local Police would also be called.

Linda Chobanov - Cedar Ln commented that she feels Weis Markets has studied and reviewed this issue. The fact that they are here making this request indicates to her that it would be a good thing for this store therefore she is in favor of this request.

Jennifer Schmidt – Kochenderfer Rd commented on her concern about the lack of customers in this Weis Markets. It is her opinion she would not like to see this business fail and if the beer cafe will help to keep the doors open on this business, she is in favor.

Tod Dissinger – Oak Ln commented that he utilizes grocery stores outside of PA and buys beer there. He also dislikes seeing empty buildings in the Township. If a beer cafe will help prevent that from happening he is in favor. He added if someone is looking to do heavy drinking they will not be going to a grocery store to do it.

Floyd Shepps – N 7th St commented he has no concern about this request. He expects Weis Markets will continue their record of excellence even with a beer cafe.

Jose Quilan – Watson St remarked he is not in favor of this request. Saying yes to this request opens the door to many others. What is next, WalMart?

Tina Pitt – Narrows Dr commented on the good presentation of facts tonight. She is in favor of allowing this request as she does not think it will be harmful to the community.

Liquor License Transfer (con't)

Marie Stauffer – Cider Ln had several questions for Weis Markets. She asked if it is true the RAMP training is conducted online? Answer yes. What is the amount of alcohol in the drinks? Answer not sure. Ms Stauffer mentioned her concern about the lack of employee presence in the café area, especially when it is not open for business. She asked about the age of employees working in the beer cafe. She has an issue with 18 year olds working in the area.

Walt Phillip – Cedar Crest Dr commented on his concerns about another liquor license being brought into North Lebanon Twp. There are already 3 licensed restaurants in this area, R Field & Stream, The Fifth Ward and A&M restaurant. Another concern he has is the mobile home parks and the possibility of them walking across private properties to get to Weis Markets. Another concern is the demand on our Police Dept. He is not in favor of this request.

Jay Despande – E&E Distributors was present. At this time Suv Miller spoke to Sol Wolf saying he does not wish to allow a person to speak who is not a resident of the Township as this was one of the reasons a second hearing was held. He would not like to sit through a third hearing. He wanted his objection noted for the record. Sol Wolf asked Attorney Wolowski his opinion on Suv Miller's comments. Attorney Wolowski not only agreed with Suv Miller's remarks, he went on to say that the requirements under the Liquor Control Board procedures state the individuals offering comment must reside in or own a business within the municipality.

Sol Wolf spoke to Despande saying it is up to the Supervisors whether or not he is able to speak again at this hearing. The minutes from the previous hearing are a part of this hearing so the Supervisors have heard Mr. Despande's comments. Suv Miller stated his objection again to Mr. Despande speaking tonight. Suv Sattazahn said he is in agreement with Suv Miller. Suv Brensinger stated he would have no objection to hearing his comments as long as the comments are totally different than the previous comments he had made. Sol Wolf said based on 2 of the 3 opinions of the Supervisors' no comments will be received this evening from anyone who is not a resident in NL Twp. The minutes from the previous hearing will be retained as part of this record.

Sara Sanger – E Maple St commented that she does not feel the liquor license is a good idea.

Dawn Hawkins – Mount Zion Rd remarked she is against bringing another Liquor License into the Twp. She feels it is a moral detriment to the Twp and does not wish to see this approved. She also mentioned she has faith the Supervisors will consider what is good for the Twp when making this decision.

Sol Wolf asked again for any other comments, questions or remarks from the Public. There were none.

Suv Miller directed a few remarks to Mr. Jack O'Hara. He asked what his position with Weis Markets consists of. Mr. O'Hara replied he is VP of Legal Affairs for Weis Markets. Suv Miller next questioned if he has any direct supervisory control over any of the restaurant liquor stores for Weis Markets. Mr. O'Hara replied he is responsible for obtaining the licenses for the stores. Suv Miller questioned the timeline for the employees to obtain the RAMP training to which he was answered, prior to working in the cafe area the employees are trained. Suv Miller questioned procedures used when an employee phones in sick or is off work. Who fills in? He was told the employees that are RAMP trained also work in other areas of the store.

Liquor License Transfer (con't)

The RAMP training is not restricted to just employees working in the café. All Managers are RAMP trained also and could be used to fill in accordingly. Suv Miller questioned if Weis Markets has a policy in place to reimburse the local Police Dept should some type of incident occur that would require local Police presence? Such as a DUI incident or an alcohol related accident? He was told, no there is no agreement for such an incident.

Suv Miller's next question was in regards to any incidents involving "Cops in Shops". After an explanation of what "Cops in Shops" involves, he was answered that there is only one incident similar to the one Suv Miller described. Attorney Wolowski spoke, as the Attorney on record for that incident, saying that incident is being contested by Weis Markets.

Suv Miller confirmed his understanding that the RAMP training for employees will occur prior to this café opening. He was told that is true. What type of follow up does Weis Markets have in place to insure completion of the training? Suv Miller asked if the results of the employee's testing on the RAMP training is something that is kept in the employee file. He was told validation of completion of the RAMP training is received and everyone must be certified. Whether or not it is kept in employee files is not something he has knowledge about.

Suv Miller next questioned the types of alcohol that will be served. Some microbrewery beer tends to have a higher alcohol content than commercial beers. Will Weis be selling microbrewery beers? He was told Weis sells over 600 varieties of beer and some local brewery beers are included on the menu. Is the beer sold in glasses? He was told no glasses are offered. The drink is served in a bottle or a can. Suv Miller asked if the Police Dept will be able to obtain a list of the employees who are RAMP trained. Attorney Wolowski replied the law states that a record of RAMP training must be maintained. Suv Miller repeated his question about Chf Easter's office being able to see the RAMP training records. Mr. O'Hara said if a particular situation presented itself that such action is deemed necessary the records would be provided. He told The Board this is a question that has never been asked of Weis Markets previously. Attorney Wolowski stated that everywhere within PA the RAMP record checking is the responsibility of the PA State Police. Suv Miller said he is trying to get a feel for how cooperative Weis will be if this license request is granted. Mr. O'Hara said he can appreciate Suv Miller's concerns. He said it is something that would be considered.

Suv Brensinger said he is not sure any other establishments are held to the standard that Suv Miller was asking about. Suv Miller stated that may well be but it is still a question he felt needed to be asked.

Suv Sattazahn said he and his wife decided to take a field trip to the Lititz store to get a feel for what is being proposed. He was pleasantly surprised and impressed with how well laid out the design was done. He questioned a remark made by Attorney Wolowski when he was making his presentation. His question was about the placement of bollards to separate the café from the rest of the grocery store. Mr. O'Hara said there are bollards in place in the Lititz store. Suv Sattazahn then queried that although there are bollards to separate the 2 areas, it is still the main responsibility of the employees to watch who is entering the café area, is that not true. Mr. O'Hara said it is true. The employees also view the area when the café is closed. Suv Sattazahn next questioned the possibility of someone grabbing a saber and running out the door during the hours the café is closed. O'Hara said that has not been an issue. If it would become a problem increased security measures would be put into place.

Liquor License Transfer (con't)

Suv Sattazahn remarked he felt it would give him a better idea if he heard the view of some of the residents instead of relying on his own opinion. He and his wife surveyed approximately 125 NLT residents with 97 being in favor and 24 having negative opinions about the restaurant liquor license being approved for Weis Markets.

Sol Wolf asked Mgr Grumbine if she had any particular questions. Mgr Grumbine stated she would like to hear the potential plans for the placement of the café. Are there plans to rehab the whole store or is there a specific area chosen for the placement of the café in the current design of the store? She mentioned the deli and pharmacy being located on the east end of the store. Mr. O'Hara said the plan to place the café on the west end of the store. Mgr Grumbine referred to the Lititz store and having the deli right there to place orders for deli type sandwiches and salads. She is wondering how the food would be offered in the Lebanon store having the deli at the opposite end. O'Hara said any food that is purchased within the store could be consumed in the café area. She asked if there would be pre-made food available for customers to choose from in the café area. The answer was yes.

Suv Miller asked about the video system within the café area. One camera is used to give a "fish" eye view of the whole area. After entering the exterior store, will there be another doorway to enter the café? He was told, no, there is no additional doorway. The bollard is the separation feature. Suv Miller questioned the drinking of the beer within the grocery store. He was told any beer that is purchased for immediate consumption, must be enjoyed in the café area only as per the state law.

Suv Brensinger repeated the regulation of a 2 drink minimum, per visit, within the café. He confirmed this is Weis' self-inflicted regulation. He was told yes it is Weis' rules.

Sol Wolf ended the Hearing at 8:31pm and turned the meeting back to the Board. He said he has prepared Resolution 15-2015 in 2 different formats, one approving the request and one denying the request for a Liquor License Transfer.

Suv Brensinger stated the Supervisors are tasked with the decision making on this request. He thanked everyone for offering their comments on this subject. Resolution 15-2015 is up for action by the Board.

MOTION was made by Suv Brensinger and seconded by Suv Sattazahn to approve the request from Weis Markets to apply for a transfer of a Liquor License into North Lebanon Township in order to serve alcohol in their Lebanon store. Motion unanimously carried.

A recess was observed at this time.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine**Pertinent Matters (con't)**2.) Zimmerman's Mulch – DEP General Inspection Report

A copy of DEP's on-site inspection of the Zimmerman Mulch facility is an FYI only for the Board.

3.) Chester Scholl – Jay Street Property; DEP Inspection with LCCD

A recent joint inspection had been conducted with Lebanon County Conservation District on the Chester Scholl property on Jay Street.

Chester Scholl – Jay Street Property (con't)

The letter lists violations and an agreement by the owner and tenant to resolve these issues by November 15, 2015.

4.) Lebanon County Association of Twp Officials Conference – October 8

The 2015 Annual Conference will be held on Thursday, October 8th at the Lebanon Valley EXPO Center on Evergreen Road. Suv Miller stated he is happy to be involved with the Committee responsible for the Convention. He has been trying to schedule a speaker for “First Net” and is now confident that the speaker will be included on the agenda for the Convention.

5.) MS4 Grant Information - Mgr Grumbine told the Board she had received information from the Engineer pertaining to some Grant money available for MS4 projects. She reminded the Board about the rain garden and the stormwater basin newly installed on the grounds at the municipal building. Also mentioned were design plans suggested several years ago for Lions Lake and the banks to prevent continual erosion. There is an October 9th deadline to apply for this Grant.

6.) Pre-Construction Meeting – A meeting is scheduled on 9/17/15 at South Lebanon Twp to discuss the demolition of the former Sahonic home located on E Old Cumberland St. Mgr Grumbine will be attending the meeting on behalf of NL Twp and will provide an update to the Board after the meeting.

SOLICITOR’S REPORT – Sol Frederick Wolf, Henry & Beaver**A.) Misc Ordinance Updates – Workshop Sept 30th @ 7:00pm**

A workshop is scheduled for September 30th to review the Ordinance updates.

B.) Authority Review of Refinancing 2009 Series A & B Bonds

Sol Wolf explained the Municipal Authority has reviewed the bond debt and has approved refinancing of the debt. The information provided to the Authority has been approved and has now been provided to the Board of Supervisors. Sol Wolf said he will be reviewing that information with the Supervisors. To finish the process the Authority must adopt a Resolution, which will lock in rates, and the Twp must adopt an Ordinance. A draft of the Ordinance will be provided to the Supervisors within the next week.

COMMENTS FROM BOARD MEMBERS**A.) Suv Miller – Liquor License**

Suv Miller wished to let the public know he personally feels there are enough alcohol serving establishments in the Twp. However he had to take into consideration the comments made this evening. Most importantly, he heard the concern of some of the residents that we not have another vacant building where once a business had operated.

B.) Homestead Acres Ph 3 Punch List Items; Update on Progress

Suv Brensinger said the developer is moving forward toward the paving project. However it is his opinion that the time deadline will not be met.

C.) Kimmerlings Rd Improvements – Update

Suv Brensinger informed the public that tomorrow is the day. The reclamation equipment is now parked in the rear parking lot. As of tomorrow, Brennamen will begin the process of “chewing” up the street.

D.) Upcoming Workshops

- **Sept 30 – 7pm – Ordinance Updates**
- **Oct 21 – 8am – Budget Workshop**
- **Oct 28 – 8am – Budget Workshop**
- **Nov 4 – 6:15pm Budget Workshop (Fire Chiefs & others)**

With no more business to discuss, meeting adjourned.

Respectfully Submitted

Theresa L. George
Recording Secretary