

**MINUTES
NORTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS
OCTOBER 17, 2016**

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

Also in attendance was Brett McFeaters, of M&H, and several other individuals. The meeting was called to order and the pledge to the flag was done.

Chm Brensinger announced there will be a PUBLIC HEARING on Ordinance 1-2016 beginning at 7:15PM.

COMMENTS FROM THE PUBLIC

**A.) Northeastern Mennonite Conference Subd Plan & Planning Non-Building Waiver
E Kercher Avenue**

This plan proposes a 2-acre lot addition to the lands owned by David Gerhart from the existing lands owned by the Northeastern Mennonite Conference. The result of this plan would be that the David Gerhart property will contain 10.2640 acres and the Northeastern Mennonite property will contain 8.5769 acres in size. Brent McFeaters of Matthew & Hockley is present to answer any questions concerning this proposed plan. After some conversation the Supervisors decided to take action on the proposed plan.

MOTION was made and seconded to approve the Northeastern Mennonite Conference Subd Plan and Planning Non-Building Waiver. Motion unanimously carried.

B.) Beverly Lutz – N 8th Ave; Speeding Issues

Mrs. Lutz told the Board she would like to offer the use of her driveway to the Police Officers should they need a place to park in order to observe the speeding traffic on N 8th Ave. She said she has called the Police Dept many times to report the problem. The concern of herself and her neighbor is that someone is going to be killed or very seriously injured. Chm Brensinger asked Chf Easter if he had any questions for Mrs. Lutz. Chf Easter replied he does not have questions as he was aware of the speeding issues. It was noted and he would be speaking to the Officers on duty.

APPROVAL OF MINUTES

The minutes are ready for action.

MOTION was made and seconded to approve the Board of Supervisors minutes from the Board meeting held September 19, 2016, the Ordinance Workshop of September 27, 2016 @ 6pm and the Budget Workshops held on September 27 @ 7pm and October 11, 2016. Motion unanimously carried.

APPROVAL OF PAYROLL, FUND BALANCES and PAYMENT OF INVOICES

MOTION was made and seconded to approve payroll, fund balances and invoices for payment subject to audit. Motion was unanimously carried.

FIRE CHIEF'S REPORT – Absent

Mgr Grumbine reported that Don Steiner had informed her that the new HazMat Chief had scheduled a meeting this evening and requested all Fire Chiefs be in attendance. The Supervisors were in agreement Mgr Grumbine did not have to review the reports that had been submitted as she had emailed the reports to them.

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

Chf Easter reported on the summary of activities for the month of September. A total of 542 citizen/Police contacts were completed along with 8,075 miles on the cruisers.

B.) Oct 31, 2016 – Trick or Treat 6-8PM

Chf Easter announced that Trick or Treat is scheduled for Oct 31 6-8pm for all of Lebanon County. Raindate is scheduled for Nov 1, 2016 same times.

TOWNSHIP MANAGERS REPORT – Cheri Grumbine**A.) Municibid Items**

On September 30th 3 items were listed on Municibid for sale; a 2009 Ford Crown Vic, a 2011 Ford Crown Vic and a 2001 Chevy Blazer. Bids were received on all 3 items and the Board is being asked to award to the highest bidders for these items.

MOTION was made and seconded to approve the highest bids received as follow: 2009 Crown Vic at \$1550, 2011 Crown Vic at \$3100 and 2001 Chevy Blazer at \$1300. Motion carries with 2 votes to approve and Suv Brensinger abstaining from a vote because he was highest bidder for the Chevy Blazer.

B.) DynaTech Maintenance Contract – Generator

The Twp received the 2016 agreement from DynaTech at the rate of \$495/yr, which is the same rate as last year. The Board is being asked to approve the 2016 maintenance agreement. Some discussion took place about minor maintenance issues such as regular oil changes etc. Chm Brensinger replied that our Mechanic will take care of day-to-day maintenance issues.

MOTION was made and seconded to approve the 2016 maintenance agreement with DynaTech Industries for the generator. Motion unanimously carried.

7:15 PM PUBLIC HEARING STARTED --- Ordinance 1-2016 Misc Updates/Amendments

Chp Brensinger turned the meeting over to Sol Wolf.

Sol Wolf opened the Public Hearing by explaining the advertising that had been completed for this Ordinance, as well as the Ordinance being posted in the Twp office and on the Twp website for public review. This update process has been a lengthy one as there are several Police related updates included as well as Twp ordinance updates.

Public Hearing Ord 1-2016 (con't)

The procedure Sol Wolf outlined involved hearing the summary of each amendment and then allowing the public an opportunity to comment or question. He asked that a hand be raised to be recognized, name and address stated for the record and then comment or question offered. After a summary of all amendments has been completed, as well as comments/questions the Public Hearing will close and the Board of Supervisors will discuss and make a determination. It could be to adopt as presented, adopt portions of the proposed amendments and/or deny portions. Minor adjustments may be suggested without altering the content of the Ordinance.

Chapter 6-Conduct- Part 2- Curfew The existing regulations of this portion are being repealed in order to adopt the new provisions and regulations as set forth in Ord 2-2016 (marked as “Exhibit A”). Sol Wolf reviewed the new regulations being proposed and asked for any comments/questions. There were no comments/questions offered.

Chapter 6 – Conduct – Part 4 – Firearms-Section 402 – Section 402 is being repealed. Possession and discharge will be addressed in Chapter 16. No comments/questions were offered.

Chapter 13- Part 7 Pawn Shops – Sol Wolf said that although NLT does not have any Pawn Shops at this time, Chf Easter is suggesting we be prepared for the time when someone decides to apply to open a shop. The provisions are listed and are marked as “Exhibit B”. There were no comments/questions offered.

Chapter 15-Part 2-Traffic Regulations-Section 201-Maximum Speed Limits Established on Certain Streets This update pertains to setting the speed limit from the City Line to Weavertown Rd on N 8th Ave to 25MPH. There were no comments/questions on this addition.

Chapter 15-Part 2-Traffic Regulations- Section 209-Turning at Certain Intersections Prohibited or Restricted This revision to Section 209 restricts left turns, by all vehicles, onto Hill St when traveling North on State Rte 72. There were no comments/questions regarding this update.

Chapter 15-Part 4-General Parking Regulations- Section 403- Parking Prohibited At All Times in Certain Locations- There are 3 areas being revised for restricted parking at this time:

Being Deleted: N 20th St, both sides of street from State Rte 72 & Hill St (East side 113 ft, west side 121 ft)

Being Deleted: State Rte 72, both sides of street from the northern entrance at Blouch’s Mini Market-1730 SR 72 to a point 250 ft south of the southern entrance

The restrictions for parking on the following streets shall be added to Section 403:

N 20th Street on the West side starting at intersection of State Rte 72 heading north for 65 ft.

State Rte 72 both sides of street from the intersection at Long Ln north to a point 1,000 ft south of the southern entrance of Heisey’s Diner at 1740 State Rte 72.

Suv Brensinger asked Sol Wolf about the wording for the State Rte 72 addition. He asked if the word “south” should be 1,000 feet “**north**” of Long Lane bringing you to the southern entrance of Heisey’s Diner at 1740 State Rte 72.

Public Hearing Ord 1-2016 (con't)

Sol Wolf reviewed Suv Brensinger's comment and agreed with his observation. He said as this correction does not alter the ordinance in any way the word can be revised tonight and action can still be made by the Board tonight. It will not be necessary to re-advertise or hold another Public Hearing. He noted the change immediately. There were no other comments/questions on this portion of the amendments.

Chapter 15- Motor Vehicles and Traffic – Part 4- General Parking Regulations – Section 410 and 411 - Sol Wolf explained that the Penalty section is hereby renumbered as Section 411, and Section 410 Parking Regulations – “No Motor Vehicles Beyond This Point” shall be prohibited at the location as signed and marked at the walking paths at the relocated baseball fields as more specifically shown in Exhibit “D” attached to the Ordinance. There were no comments/questions offered.

Chapter 16- Parks and Recreation – Part 1- Section 103- Rules and Regulations – F – Sol Wolf explained Section 103-Rules and Regulations –F is hereby repealed and a new Section F is being proposed for adoption as follows:

“F. Do not discharge any firearms, slingshots, firecrackers, fireworks or other missile propelling instruments or explosives or arrows or other dangerous weapons which have such properties as to cause annoyance or injury to person or property unless permission has been granted by the Park and Recreation Board in the designated areas; North Lebanon Twp police officers in performance with their duties will be exempt from these provisions. No hunting or trapping shall be permitted unless otherwise designated”.

Sol Wolf explained just this one section portion is being repealed. This portion deals with the possession, only, of firearms in Twp properties and parks. The possession of firearms will be permitted but the firing of these arms will NOT be permitted in Twp parks or properties as item F states.

Doug - Leb Daily News Reporter – Doug questioned Sol Wolf about this section. He said he thought it had been ruled unconstitutional. Sol Wolf stated the possession of firearms was debated and found to be a violation of the 2nd Amendment. However the portion being retained is pertaining to the actual discharging of the firearms on Twp parks and properties.

Dawn Hawkins – Mount Zion Rd thanked Sol Wolf for his explanation as she was also a little confused about this portion.

There were no other comments or questions regarding this repealed section.

Chapter 16 – Parks and Recreation – Part 2 – Mandatory Dedication of Park and Recreation Land

Section 212 – Fee in Lieu of Dedication -2 is hereby being repealed and the following provision is proposed for adoption:

“2. All fees shall be held and used by the Twp in accordance with the requirements of the Municipalities Planning Code, and the recommendations of the North Lebanon Township Park and Open Space Plan, including the use of fees for maintenance and equipment of any park and recreation equipment and facilities.”

Public Hearing Ord 1-2016 (con't)

Suv Miller wanted clarification that any fees in lieu funds of can now be used for maintenance requirements for the Twp parks. Sol Wolf confirmed his comment as correct. It is no longer confined to the creation of “new” and can be used to maintain the existing park spaces and equipment. Sol Wolf said the last is the revision that he feels will generate the most conversation and pertains to Open Burning issues.

Chapter 7 – Fire Prevention and Fire Protection – Part 2 – Open Burning – Sol Wolf reviewed the following changes:

Part 2 – Open Burning – A. Regulations and Restrictions – Sections 7-201 to 7-214 shall apply to all Zoning districts in North Lebanon Township with the exception of the R-1 Zoning District and the R-2 Zoning District. The following Amendments are hereby made:

Section 7-202-2-B is hereby repealed.

Section 7-202-6-A, is hereby amended to provide as follows:

- (A) Outdoor fires may be permitted for recreational purposes within the Township as defined herein.

What can be burned in a recreational fire?

Only dry, aged wood and brush may be burned in a recreational fire. It is prohibited to burn ordinary household waste, construction debris, lumber, leaves, recyclables and materials which produce dense smoke when burned, including but not limited to tires and roofing materials.

What conditions must be met for recreational fires?

Recreational fires must not be larger than 3 feet in diameter or create a nuisance condition or produce dense smoke.

Section 7-202-6-A (1) through (4) are hereby repealed and is replaced as follows:

- (1) The designated place for the fire shall be at least 30 feet from any building or structure.
- (2) The fire shall be attended at all times by a responsible adult.

Section 7-215 – Prohibited burning in R-1 and R-2 Zoning Districts under the North Lebanon Township Zoning Ordinance as provided in Exhibit “C” as attached to the Ordinance documents.

Open burning of any type is hereby prohibited in the R-1 and R-2 Zoning Districts under the North Lebanon Township Zoning Ordinance.

Beverly Lutz – N 8th Ave told the Board she is not in favor of the changes proposed for the Open Burning regulations for R-1 and R-2 districts. She stated her home is pro-active recycling. The majority of what is being burned is personal documents with private information that she does not want released. Mrs. Lutz added she is not in favor of having her documents dumped into the landfill and having it added to the amount of garbage that is already being dumped there. She continued saying she does not understand why these regulations have to change. She is an avid recycler. It is her opinion that if burning is to be restricted, it should be Twp wide not just certain districts.

Dawn Hawkins – Mount Zion Rd – Mrs. Hawkins said she is aware this subject comes up repeatedly. She is of the opinion that the Twp should not prohibit the burning regulations. The ordinances explain what is acceptable and what is not. If someone is violating the Ordinances let the Police Dept handle the violations. Although she is not in an R-1 or R-2 district she still feels the regulations should not be prohibited for other residents. She questioned if the Twp couldn't deal with the regulations in a different manner? Such as using setbacks and measurements from neighboring structures or property lines? Mrs. Hawkins said she is appreciative of the fact the Board is not suggesting that burning be banned throughout the Twp.

Bonnie Grumbine – Twp Recycling Coordinator/GLRA Board Representative

Bonnie said she is commenting as the Twp Recycling Coordinator, GLRA Board Representative, Twp employee as well as a Twp resident. Ms. Grumbine informed the public and reminded the Supervisors that North Lebanon Twp is the ONLY mandated recycling community in Lebanon County that allows burning in the municipality. All other mandated municipalities follow the directives from DEP. Another fact is that if the GLRA was asked their position on the burn, NO burn issue, the GLRA would definitely state NO burning should be permitted as that is DEP's direction and has been all along.

Bonnie said as a Twp employee she is aware of the calls with complaints about residents burning illegally and the complications the smoke and odors are causing health wise. Personally she would like to see burning in all district prohibited. In all the years she has been an employee, this issue has arisen time and time again. As far as letting the Police Dept handle the burning violations, prohibiting the burning will free the Police to follow up on other violations such as speeding on N 8th Ave. In response to considering lot sizes for making a determination, the Board did just that. R1 and R2 are smaller lots and more populated areas. Chf Easter originally had requested NO BURN throughout the whole Twp. The Board compromised by looking at the more populated districts in the Twp. She repeated that North Lebanon Township is the ONLY mandated recycling community that permits burning within their municipality within Lebanon County.

Mgr Grumbine – NLT reminded the Supervisors that we have had numerous residents over the years attend meetings to complain about neighbors burning all sorts of items and at all different hours. The result being they could not be outside to enjoy the weather and outdoor spaces because of health issues because of the smoke affecting the quality of their life, especially those with breathing problems such as asthma and COPD.

Sol Wolf at this time asked if there were any other comments/questions pertaining to the Ordinance updates as reviewed this evening. There were no further comments offered.

PUBLIC HEARING ENDED 7:58 PM.

Chm Brensinger told his fellow Supervisors if they have anything additional to add to the conversation about Ordinance 1-2016, now would be the time to speak.

MOTION was made by Suv Miller to adopt Ordinance 1-2016 and seconded by Suv Sattazahn, including the correction to Section 7 (Rte 72 direction near Heisey's). Motion was unanimously carried.

C.) Resolution 18-2016; Personnel Manual

The draft of the Twp Personnel Manual has had many revisions and is now ready for adoption. Mgr Grumbine told the Board they could adopt Resolution 18-2016 or if they feel more discussion is needed, they could do so at the next Budget workshop.

MOTION was made and seconded to adopt Resolution 18-2016 which approves the Personnel Manual for North Lebanon Twp. Motion unanimously carried.

D.) Pertinent Matters

1. Upcoming workshops are as follows:
 - October 17 – following regular meeting
 - October 18 – Budget Workshop @ 1pm

2. Joint Meetings as follows:
 - November 1 – Meet with Park & Rec Board
 - November 2 – Budget Workshop with Fire Chiefs
 - November 10 – Joint Meeting with Municipal Authority

SOLICITOR’S REPORT; Sol Fred Wolf -- Henry & Beaver**A.) Ord 2-2016 Zoning Ordinance Updates – Nov 12 Public Hearing**

Sol Wolf reminded the Board that when Ord 1-2016 was first drafted, these Zoning issues were included in that Ordinance. However due to the requirement of advertising the Ord twice for zoning issues the current Ord 1-2016 was separated out from the zoning issues. He informed the Board that Ord 2-2016 will be on the agenda for the November 21 meeting to have a Public Hearing much like tonight’s hearing was held.

B.) Appeal to Zoning Hearing Case

Sol Wolf discussed the outline for the actions that will be occurring on Attorney Christianson’s request to the courts for a “deemed approval” due to the timing of the written decision not being distributed in the established time which is required. Sol Wolf explained LCPD must make a determination about the timing of when the documents were released to be mailed to the participants that were involved at the Zoning Hearing. Sol Wolf stated that once LCPD has made their determination, the Twp could then appeal to the courts to deny “the deemed approval” request made by Christianson. It is his expectation that the other Attorneys present the night of the Zoning Hearing meeting will be making appeals to the courts also.

C.) Agreement of Sale – Land Purchase

Sol Wolf told the Board he has the agreement of sale for the property located to the west side of the Twp building which is currently owned by Thomas A Stewart Sr. A price has been agreed on, an outline established for payment and transfer of the property. A date of March 31, 2017 is stated as the deadline for conveyance of the property. Sol Wolf told the Board they are being asked to authorize the Chairman to sign this Agreement of Sale.

MOTION was made and seconded to authorize the Chairman to sign the agreement of sale (WS of Twp building) with Thomas A. Stewart Sr. Motion unanimously carried.

COMMENTS FROM BOARD MEMBERS**A.) Suv Miller – Juvenile**

Suv Miller stated an audit had been completed on the NLT Police Dept's handling of juvenile and the procedures. The Dept received approval from FECC and Suv Miller would like to extend his congratulations to the NLT Police Dept.

B.) Suv Brensinger – Recent Robbery & Vandalism

Suv Brensinger said he wanted to mention the recent burglary at the Jonestown Bank and the vandalisms in the area. Due to quick action on the part of the Officers these situations were able to be resolved in a timely manner. He extended his appreciation to the Police Dept.

With no further business to discuss, meeting adjourned.

Respectfully Submitted

Theresa L. George
Recording Secretary