

**MINUTES  
NORTH LEBANON TOWNSHIP  
BOARD OF SUPERVISORS  
MAY 15, 2017**

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:

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

Also in attendance was several other individuals. The meeting was called to order and the pledge to the flag was done. Chm Miller stated a Public Hearing is scheduled for this evening and they will break at 7:15 for the hearing.

**COMMENTS FROM THE PUBLIC**

**A.) The Crossings at Sweet Briar – Phase 2 Final Subdivision Plan**

Dave Schreder, of Landmark Builders, was present to discuss Phase 2 of the The Crossings Plan. He told the Board all matters are being addressed and he should have a clean review letter from the Lebanon County Planning Dept shortly. The County Engineer has not completed his review of the revised plan submission. However, the remaining issues for the Engineer are very minor and Rick Bolt simply was not able to meet the deadline for tonight’s meeting. The Park & Recreation Agreement and fees have been submitted and at this time he provided a signed copy of the Stormwater Operation and Maintenance Agreement to Manager Grumbine. The Municipal Authority had given their approval of the sewer design during their May 11<sup>th</sup> meeting. The Conservation District has also provided their agreement for the plans for this phase. Mgr Grumbine told the Supervisors that the Planning Commission had given a Conditional Approval at their meeting held on May 8<sup>th</sup>. The conditions were that approvals would be received from all entities.

Suv Brensinger spoke to his fellow Board members explaining that he had attended meetings with Cheri and Landmark regarding this plan. He agreed all the main issues have been addressed. He said he is satisfied that Landmark will complete all the remaining “housekeeping” items. As far as the moratorium on Kimmerlings Rd, Landmark has agreed to an overlay of the road in the area disturbed, as shown on this plan. They have also agreed to install wyes for future connections for any properties proposed along Kimmerlings Rd, possibly a total of five. He feels comfortable with taking action tonight if both of them are in agreement.

Suv Miller questioned Preliminary Plan approval for The Crossings. At that time was there any discussion and regulations concerning safety signage being in place? He said he is concerned about the entrance on Kimmerlings Rd to this development. He would feel better if there was safety signage in place warning motorists of a new development entrance. Suv Brensinger stated during the review time, the sight distance requirements were met. No addition signage was necessary. Discussion continued about what action the Board should take this evening.

**MOTION** was made and seconded to conditionally approve The Crossings @ Sweet Briar Phase 2 Final Subdivision Plan. Conditional upon received a recommendation letter from Lebanon County Planning Dept including addressing all issues for the County Engineer. Also, safety signage being installed at the entrance of the development during construction. Motion unanimously carried.

**B.) 2325 Guilford St- Winters; Truck Accident in Garage**

Ryan Winters told the Board he was here tonight to discuss their property with the garage in West Lebanon Township that had been damaged last week by the tractor trailer truck. The garage is located on Guilford St however the truck had been traveling on Union Canal Dr. Winters said his parents are in attendance tonight as well. They are all concerned about the truck traffic in the area traveling to the business park. The drivers are becoming more careless all the time with following regulations. Roads that are not to be used are being used, speed limits ignored and overall carelessness. He asked the Supervisors if they can get something done to discourage these issues before someone gets seriously hurt. Additional signage could be installed as the traffic will continue to increase with every business that settles into the business park.

Conversation followed about flashing lights mounted on top of the STOP signs, much like the ones that had been installed at the intersection of N 7<sup>th</sup> St and Kimmerlings/Kochenderfer Rds. Suv Miller agreed with Suv Brensinger saying the flashing lights and the reflective strips on the posts would help. It probably would not eliminate the problems but would certainly help. Winters questioned the possibility of a 4-way STOP. Suv Miller explained there are specific warrants for installing 4-way STOP sign. He asked Chf Easter to review the area at N 24<sup>th</sup> St and Union Canal Dr to see what improvements could be added. Another option would be stop bars on the road surface.

Mr. Ed Winters asked who owns union Canal Drive. He was told North Lebanon Twp owns Union Canal Dr. Mrs. Winters questioned if guardrails would be an option. Her son's garage is not even located on Union Canal Dr. It is located off an alleyway that runs parallel to Union Canal Drive. The truck traveled off Union Canal Dr rolled down the banked road shoulder and across the alleyway into the garage.

Suv Brensinger said he will be checking on flashing lights and reflective strips to install on the existing STOP signs. Suv Miller again asked Chf Easter to review the area as far as becoming a 4-way STOP. The Winters family thanked the Board for hearing their concerns.

**PUBLIC HEARING – ORD 3-2017; Agreement with West Lebanon; MHP License**

Solicitor Wolf stated Ordinance 3-2017 was advertised, as required by law, and is a two-part Ordinance. The first is for the Township to approve the existing agreement between West Lebanon Township and North Lebanon Township wherein North Lebanon Township is providing 24-hour police service to West Lebanon Township. The Ordinance includes the original written agreement signed by both municipalities and the rates that were established in 2016 that sets the annual charges for the years 2017-2021.

The second part of the Ordinance deals with the amendment to the existing Mobile Home Park Ordinance, specifically the annual permit fee for mobile home parks located in the Township. The amount of the annual permit fee and the penalty for failure to pay on time plus any other fees that the township adopts relating to MHP will be set by Resolution of the Board of Supervisors. The annual permit fees are due 15 days prior to January 20<sup>th</sup> each year and the permits will be issued on January 20<sup>th</sup> each year. Anyone that doesn't submit a renewal application and pay the annual

fees will receive a penalty fee.

At this point, Solicitor Wolf asked for any comments from the public. There were no questions from the public. Member Sattazahn questioned the timeframe of due 15 days prior to January 20<sup>th</sup> but in the Resolution the penalty only kicks in January 20<sup>th</sup>. He suggested the penalty kicks in January 5<sup>th</sup>. The Resolution will be discussed later in the meeting with noted change.

It was noted that West Lebanon Township will also be enacting a similar Ordinance to approve the agreement with North Lebanon Township soon. Solicitor Wolf stated that any time you have an inter-municipal agreement the law requires it to be done by Ordinance. At this time, there were no more questions regarding the ordinance.

**MOTION** was made and seconded to adopt Ordinance 3-2017, approving the agreement between West Lebanon Township and North Lebanon Township for police services and the changes to the Mobile Home Park licensing regulations. Motion unanimously approved.

#### **APPROVAL OF MINUTES**

The minutes from the Board of Supervisors meeting held April 17, 2017 are ready for action

**MOTION** was made and seconded to approve the Board of Supervisors minutes from April 17, 2017. 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 – Brian Vragovich, Glenn-Lebanon**

##### **A.) Monthly Report – April**

Chf Vragovich reported there had been 36 calls for service from the 4 volunteer Fire Departments in the month of April as well as 7 hrs of mutual aid hrs. The total man hours have been logged at 81.4 hrs/mins. The training hrs/mins were reported at 63:37.

##### **B.) Occasional Requested Station Standby Duties**

A conversation was held about the standby duties Chf Vragovich had raised at the meeting last month. Brian said he feels he has resolved his question by discussing the issue at the Fire Chiefs meeting with all the Fire Chiefs present. It was decided that when a request is received from another location for standby services, EMA would be contacted and asked to dispatch the Fire Company to the standby location. That way no questions can be raised should a Workers Comp issue occur.

#### **CHIEF OF POLICE REPORT – Chief Harold Easter**

##### **A.) Calls For Service – April**

Chf Easter reported on the summary of activities for the month of April. A total of 653 citizen/Police contacts were completed along with 8,606 miles on the cruisers.

##### **B.) City of Lebanon Fire Police Request**

Chf Easter told the Supervisors he had received a request form the Lebanon City Fire Police regarding additional help from NLT Fire Police services as the occasion arises. They are requesting that this be a “blanket approval” so that an official request does not have to be submitted regularly.

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**City of Lebanon Fire Police Request (con't)**

When the conversation moved to insurance and liability matters, Chf Ester stated that the NLT Fire Police would be dispatched by EMA. EMA dispatch would be the tool that would engage Workers Compensation insurance.

Brian Vragovich questioned the insurance coverage because the Fire Police members use their personal vehicles when responding to a call for service. Chf Easter stated that would be the reason for the EMA dispatch call.

**MOTION** was made and seconded to approve the request from Lebanon City Fire Police regarding use of the NLT Fire Police on an as needed basis. Motion unanimously carried.

**C.) Reazer's Junkyard License Renewal**

Chf Easter reported he had met with Robert Reazer and inspected the Junkyard being operated on Elias Avenue. He said after a few minor improvements being made, he is asking the Board to approve the renewal license for the junkyard.

**MOTION** was made and seconded to approve the renewal of the license for Reazer's Junkyard located at 2449 Elias Ave. Motion unanimously carried.

**D.) Increased Truck Traffic & Concerns**

Suv Brensinger talked to Chf Easter about some of the concerns he has for the increase in truck traffic, the business park. He said there needs to be a way to begin enforcing some of these infractions that are continually occurring. Chf Easter replied the truck enforcement unit is out and about doing patrols. Conversation moved onto the businesses being more responsible for informing the drivers about certain road restrictions and areas of concern. It was mentioned there is too much use by the truck drivers of GPS units and Google Maps, which does not inform about special roadway conditions. It was agreed this is an important issue that will need to be considered in an effort to find a solution.

**TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine, Twp Manager****A.) Res #10-2017 – Right-of-Way Improvement and Other Related Specs**

During the April meeting, the Supervisors had received a draft of the R/W Improvements and Other Related Specifications for the Township. As Roadmaster, Ed Brensinger offered a few corrections/changes the specs are now ready for the Board to act. Mgr Grumbine is suggesting the Board adopt Resolution #10-2017 adopting the specifications.

Mgr Grumbine stated she would like to thank Lori Books for her work on coordinating all the information and drawing exhibits. Lori could upgrade the existing exhibits using an available CADD system and they are now much easier to read. Suv Brensinger agreed saying the documents are definitely easier to understand. He told his fellow Board members the information was not really changed. It was simply updated to be user friendly. He also extends his thanks to Lori Books for her work.

**MOTION** was made and seconded to adopt Resolution #10-2017 approving the R/W Improvements and Other Related Specifications for the Township. Motion unanimously carried.

**B.) Res 11-2017 – MHP License Fees and Penalties**

As mentioned in Ord 3-2017, fees and penalties for the MHP licenses are to be set by Resolution. Resolution 11-2017 includes a penalty fee clause for any payments made after the due date of January 5<sup>th</sup>. The Board is being asked to adopt Resolution #11-2017.

**MOTION** was made and seconded to adopt Resolution #11-2017 adding a penalty to delinquent MHP license renewal payments. Motion unanimously carried.

**C.) Park Vandalism – Lions Lake Bathrooms/Soccer Field/Equipment**

Dave Strohm, Parks & Rec Foreman, has reported continual vandalism at the Lions Lake pavilion restrooms. During the weekend of May 6 & 7, mulch was placed in the tanks of the toilets, which blocked the flappers and caused the water to flow all night until discovered the following morning. The restrooms nearest the pavilion area have been locked as May 9<sup>th</sup> with signs posted on both bathroom doors as to the reason the doors are locked. The Athletic Association has reported some vandalism to their soccer nets as well. Admin Asst Lori Books, has requested additional Police patrol for this area in hopes of deterring these activities.

Research can be completed on timed locking systems and surveillance cameras to share with the Park & Rec Board in order to get a recommendation from that Board. In the interim, the Athletic Assoc is requesting the Twp place a portable toilet in this area for the soccer and softball teams. Talk about a portable toilet was dismissed because all Supervisors agreed it is not a good idea. It was not a consideration. The next pavilion rental is May 21<sup>st</sup>, so something will need to be worked out with the rental group to lock the doors before they leave the park area.

Suv Miller stated his preference for surveillance cameras. However, he feels the cameras should be installed in such a manner that immediate detection is not possible. Suv Brensinger said he has doubts about cameras as they could be vandalized also. Neighboring township has had success with a camera until they were discovered and then vandalized.

Suggestion was made whether we could have the Soccer or Softball Teams open/lock each night for practice/games. Soccer has 6 and baseball/soccer has about 16 but these keys do not work for the bathrooms. We will need to have another key issued to them. Theresa George suggested only one key be handed out and make it the Association's responsibility to pass around or one person responsible to lock/unlock each time. If lost, then their responsibility for rekeying the Abloy locks.

Ed suggested the timed lock will only solve the problem if happening after hours and not during games/practices. Also, if the door is left ajar it would not lock the bathrooms. Supv. Brensinger felt the vandalism is most likely happening after hours not during the day. Direction was given by the Board to maybe look at an additional lock on the doors such as a padlock or deadbolt that the sports association could open/close the bathrooms.

**D.) Volunteer Form – Park & Rec Board**

Due to the loss of Jay Snavely, the Park & Rec Board has an open seat. A completed Volunteer form has been received from Ryan Schmidt, who lives on Kochenderfer Rd. He currently works as a grounds/athletic fields staff member at the Lebanon Valley College. The Supervisors have received a copy of Mr. Schmidt's completed Volunteer Form. The Board is being asked to appoint Mr. Schmidt to complete the term of Jay Snavely, which expires December 31, 2018.

**MOTION** was made and seconded to appoint Ryan Schmidt to the Park & Rec Board to complete the vacated term of Jay Snavely, which term expires December 31, 2018. Motion unanimously carried.

**E.) N 11<sup>th</sup> Avenue – 8 Lots; Stormwater Plan**

Jack Keener had purchased the property formerly known as the Northeast Swim Club. In researching the property, it was discovered the area was a part of a previously approved subdivision plan which contained 8 lots. In order to proceed with developing the lots, Mr. Keener was told he needed to address stormwater concerns. Rick Bolt, County Engineer, worked with Mr. Keener and his engineer, SESI, to satisfy all stormwater regulations. The plan before the Board has been approved by Rick Bolt, County Engineer. The Board is being asked to approve and sign off so it can be recorded.

**MOTION** was made and seconded to approve the stormwater plan for the N 11<sup>th</sup> Avenue lots owned by Jack Keener. Motion unanimously carried.

**F.) Pertinent Issues**

**1. EIT Over/Under Update** – Mgr Grumbine provided an update on information pertaining to the EIT over/under issue. The legal expenses for Pepper-Hamilton on this issue was \$153,262. The revenue from the 5 overpaid entities has now been paid in the amount of \$3,600,106.12. Of that amount North Lebanon's portion equaled \$520,492.56. The municipalities that signed on to the "Grumbine Plan" and not part of the lawsuit will be making their 7<sup>th</sup> annual payment in 2017 (7<sup>th</sup> of a 10-year plan). As agreed upon, Mt Gretna and ELCO SD will continue for 10 more years (20-year plan). These 2 entities will finish payments in the year 2030. Mgr Grumbine provided this information as an update only. NO action is needed from the Supervisors.

**2. Ebenezer Beautification Committee** – A letter of Appreciation was submitted from the Beautification Committee. Their event held in April was well attended and may become an annual community event. The event for 2018 is tentatively scheduled for April 14 at the Ebenezer Fire Hall.

**3. PaDot Rte 422 Paving Project** – A notice had been received from PaDOT regarding their State Rte. 422 pavement restoration project (West Cumberland St). Notice to proceed is planned for May 22 with an expected completion date of November 10<sup>th</sup>. There are no stormwater improvements scheduled as part of this project.

**4. Meeting with PaDot – Truck Routes** – Mgr Grumbine reported on a meeting she and Suv Brensinger had with Chris Flad and Jason Bewley from PADOT District 8-0 Office. Discussion on recent requests from the Twp on certain truck turning movements was held. Title 75-Chapter 49 of the Vehicle Code already prohibits certain trucks from using most Twp roads. A map with Routes shown as 2A Routes (access allowed ½ mile off route); 2B Route (no deviation from route allowed). A map was provided which shows the 3 areas that the Twp had made requests for signage. If it is decided to restrict only the larger 102 wide; 48' and 53' trailers, the Vehicle Code already addresses these and enforcement can be done by our Police. Any of these larger trucks traveling off the approved routes could be stopped by our Police department and fined. We were cautioned if the Twp is considering restricting small truck traffic, it should be checked to make sure no area businesses are being hampered by the restrictions.

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**Meeting with PaDot – Truck Routes (con't)**

Suv Brensinger questioned the map that had been provided of the routes which are marked 2A. He spoke to Chief asking if this will be helpful to the Officers when monitoring these trucks that are traveling in areas they should not be in. Chf Easter replied now that it is known which roadways are designated the Officers can site the Vehicle Code as an enforcement tool. Suv Brensinger referred to the earlier conversation about the accident in W Lebanon Twp off Union Canal Dr. He said although that truck was on the proper road, the accident and the other possibilities of what could have happened are frightening. There has to be something the Twp can do to protect the residents from damages to their properties, as well as possible injuries. He knows GPS and Google maps are the main source of information for these truckers. However, that does not mean they can ignore local signage that prohibits the truck travel on our local roads.

Discussion moved onto the businesses that are employing these truck companies. Some of the responsibility falls onto them as well. Providing these companies with specific information should help.

**5. ZHB Case 3-2017- Front Yard Side Yard Setbacks (5/23 @ 7:30pm)** – A Zoning Hearing Board Case is scheduled for May 23<sup>rd</sup> @ 7:30pm. A request from the developer Mt. Pleasant Ventures LLC is requesting a variance to Section 503 of the Zoning Ordinance to allow the proposed single-family dwelling at a 30' setback in lieu of the 40' required setback and a 10' setback in lieu of the 15' setback to both side property lines. Discussion followed about the reasons for requests such as this one. Suv Brensinger mentioned that it allows for a larger design for the structure and more options than would otherwise be permitted.

**6. Resignation – Barbara Bertin** – Mgr Grumbine told the Board a resignation/retirement letter has been received from Township employee Barbara Bertin. Barb's date is listed as July 1<sup>st</sup> however due to time accrued she will have vacation time/personal time beginning June 1<sup>st</sup>. The Board is being asked to accept this notice of resignation.

Suv Brensinger said he is sorry to lose Barb as an employee but he understands she deserves her retirement. She is a valuable employee and he will miss her, as will other employees. He told his fellow Supervisors that the decision to bring in a new employee ahead of time and have Barb train the individual was a desirable choice, as it seems to be working out very nicely.

**MOTION** was made and seconded to accept the resignation letter from Barbara Bertin effective July 1, 2017. Motion unanimously carried.

**SOLICITOR'S REPORT; Sol Fred Wolf -- Henry & Beaver****A.) Letter of Intent – AGL Dispensary Permit; Grower/Processor Interest**

Sol Wolf briefly explained the request from Advanced Grow Labs PA LLC to finalize an agreement to allow operation of a medical marijuana dispensary to be located at 1501 E. Cumberland Street, Lebanon PA 17042. Grow Labs is asking to have a Letter of Intent signed by the Twp which will outline certain benefits to the Twp should Grow Labs be awarded a dispensary permit. The Supervisors were told this is merely an Intent letter to agree to terms prior to Grow Labs completing all requirements to receiving a permit to dispense.

Suv Miller said he understands this letter is an "intent" letter. However, he has serious questions about immunity for the Supervisors and the Twp. This subject is a difficult one due to the many various legal questions and ramifications.

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**Letter of Intent – AGL Dispensary Permit; Grower/Processor Interest (con't)**

If something should occur at one of these dispensaries, what are the liability risks for the municipalities. Sol Wolf replied the State is the licensing agency. The state will have rules/regulations, as well as documentation these dispensaries will have to adhere to for compliance. The Township is not involved in granting or overseeing their operations, the Board would only be agreeing to accept this payment in addition to any real estate taxes to be used for the purposes stated, as public safety and to benefit our residents. Suv Brensinger stated this would most likely be like pharmacies located within the Twp? They administer drugs that are controlled and regulated by the State not the Township. We are not giving them approval to operate, that comes from the State.

Sol Wolf reiterated the offer is to make donations to the Twp over and above the taxes payable to the Twp. Suv Brensinger mentioned these dispensaries being governed by the Dept of Health. He then asked for confirmation that this Letter of Intent (LOI) is not an approval to operate from the Twp. Sol Wolf confirmed that statement and stated the LOI would be conditional on Grow Labs meeting all the requirements from the State and then acquiring the necessary dispensary permit from the State. The Twp would only consider and/or approve the site for a dispensary to locate at 1501 E Cumberland Street based on the zoning and permitted uses.

Suv Miller suggested if there are no objects from his Board members that he have Solicitor Wolf send a letter to the Attorney General asking for answers to the liability questions raised here tonight. Sol Wolf replied he had contacted PSATS but had not been able to connect with Scott Coburn. Fred will send the LOI to Mr. Coburn at PSATS. The Board agreed to defer making a decision until Solicitor Wolf obtains additional information for them.

**B.) Ordinance Updates; Holding Tank/ Park & Rec Regulations**

Sol Wolf wanted to inform the Supervisors the Municipal Authority is reviewing their regulations on holding tanks (which are not permitted). The Park & Recreation is reviewing the Park & Rec regulations also. Once these reviews are completed the Board of Supervisors will receive a copy to review. Solicitor Wolf asked Chief Easter to provide any updates he may have to Manager Grumbine to include with these.

**C.) ZHB Update; Solicitor Morrow**

Our Township ZHB took action at their April hearing to appoint Attorney Andrew Morrow, as their ZHB Solicitor. Mr. Morrow attended the April hearing along with Attorney Ann Kline to observe the hearing. He will now be attending all future ZHB meetings starting in May and will prepare and mail all written decisions.

**D.) NCCS “Temporary Classrooms” and Expansion Project**

The Twp has received information from New Covenant Christian School regarding the temporary placement of modular units while their expansion project is being planned. They are proposing 2 units; 1 in the parking lot area and the second on the macadamed playground area. There will be no bathroom facilities in the units. The install of these units will be during the summer months in order to prepare for the 2017/2018 school year.

An agreement was prepared regarding these “temporary classrooms” with a 2-year time frame for use. Upon completion of the new building these “temporary classrooms” will be removed. Should they need an extension they will need to come before the Board with a formal request.



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**NCCS “Temporary Classrooms” and Expansion Project (con’t)**

Manager Grumbine stated she will discuss the agreement with NCCS representatives but first wanted to make sure the Board was okay with the agreement.

**MOTION** was made and seconded to approve and sign the agreement with NCCS. Motion was unanimously approved.

**E.) Draft Memorandum of Understanding – Fire Company Capital Reserve Fund**

As part of the Fire Protection Tax process, a Capital Reserve Fund for each of the 4 Fire Companies will be established. Sol Wolf and Manager Grumbine drafted a “Memorandum of Understanding” to outline the purpose of the Capital Reserve Fund and permitted expenses. Solicitor Wolf asked the Board to review the MOU and provide comments/suggestions. Following the Board’s approval of the MOU we will need to meet with the Fire Company representatives to finalize the MOU.

**COMMENTS FROM BOARD MEMBERS****A.) VOTE – Primary Election**

Suv Brensinger reminded everyone to get to the polls and vote tomorrow.

With no further business to discuss, meeting adjourned.

Respectfully Submitted

Theresa L. George  
Recording Secretary