

**MINUTES  
NORTH LEBANON TOWNSHIP  
BOARD OF SUPERVISORS  
JULY 17, 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
Cheri Grumbine	Township Manager
Harold L. Easter	Chief of Police
Frederick 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.

**FIRE POLICE BADGE**

**A.) Hannah Hilton – Badge #28**

Chm Miller asked Hannah Hilton to come forward to take the Oath to become a Fire Police member. After repeating the Oath, Chm Miller and the Supervisors, as well as Chf Easter congratulated Hannah Hilton.

Chm Miller announced there will be a **7:15 PUBLIC HEARING on ORDINANCE 4-2017 and ORDINANCE 5-2017**. The normal Supervisors meeting will recess at 7:15pm and reconvene after the Public Hearing is completed.

**COMMENTS FROM THE PUBLIC**

**A.) Matt Martin Land Development Plan – Poultry Operation – Kenbrook Rd;  
Stormwater & Operation & Maintenance Agrmt**

This property is located on the east side of Kenbrook Rd approximately 3,200 feet north of the intersection with Kenbrook Ave. The plan shows the construction of four (4) 63' x 500' poultry barns, manure storage/compost shed, a 20' x 20' utility shed, gravel drive and parking and associated stormwater management structures and features. The site will be improved with (2) onlot wells and will be accessed via an existing driveway onto Kenbrook Rd that is to be improved to accommodate truck traffic. NLT has deferred stormwater review of this project to Swatara Twp. The approval of this plan is conditional upon waiver requests for Swatara Twp be filled in on the cover sheet with the decision made for the requests and date it was provided. Also, Swatara Twp will be holding the bonding. The Board is also being asked to approve and sign the O&M Stormwater Agreement. NLT Planning Commission and Lebanon County Planning Dept have both recommended approval for this Land Development Plan.

Suv Brensinger questioned the design of the access and directing the traffic to the south as opposed to the north. Martin replied that the north side of the area is too marshy and the boundary line presented complications. The empty trucks will be able to enter from the northern side but when filled, will exit to the south, onto W Kercher Ave. Suv Brensinger asked if Swatara had approved the plans already. Martin replied he had a verbal approval but their meeting has not yet been held.

**Matt Martin Land Development Plan – Poultry Operation (con't)**

Glenn-Lebanon Fire Chief Brain Vragovich questioned if there are any water features on the property. His concern is for any emergency fire responses as there are no hydrants in the area. Martin stated there is a pond approximately 300 feet from the proposed barns which the Fire Departments will have access to for water.

**MOTION** was made and seconded to approve the Matt Martin Final Land Development Plan as well as the Operation & Maintenance Stormwater Plan. Motion unanimously carried.

**B.) Mervin Horst – Land Preservation Board**

Mr. Horst stated he is representing the Land Preservation Board and is offering the Preservation Board's thanks to NL Twp for their continued support by making the Preservation Board a part of the Twp budget.

**APPROVAL OF MINUTES**

The minutes from the Joint Meeting with the Authority held on June 8, 2017 and the Board of Supervisors meeting held June 19, 2017 are ready for action

**MOTION** was made and seconded to approve the Joint Meeting minutes from June 8 and the Board of Supervisors minutes from June 19, 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 – June**

Vragovich reported there were 58 responses to calls for service in the month of June. A total of 158.02-man hours was reported and a total of 9 Mutual Aid events for the month of June.

**7:15 PM – Public Hearing Started**

Sol Wolf explained the procedure for the hearing to be conducted. He explained the advertisement and posting of the Ordinances in the office that had already been completed. Raising of a hand will get the person recognized, state name and address and then comment/question should be made.

**Ordinance 4-2017 – Park & Recreation Rules Amendments/ Holding Tank Amendments**

Sol Wolf reviewed the contents of the amendments being proposed to the existing Parks & Rec Ordinance. These regulations also impact Stoevers Dam Park although Lebanon City owns Stoevers Dam Park. Some of the amendments are as follows:

- Prohibiting smoking paraphernalia within 25' of sporting fields and playground areas
- The use of Bounce Houses and other rental equipment will require liability insurance as well as identifying the Twp as "additional insured" on insurance certificates provided to the Twp office seven days prior to scheduled event.
- Stoevers Dam Park – No waxing/ washing of vehicles or mechanical work will be permitted
- Stoevers Dam Park – only dawn to dusk attendance in the park (already a regulation for NL Twp Parks)

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**Ordinance 4-2017 – P & Rec Rules Amendments/ Holding Tank Amendments (con't)**

The second portion of Ord 4-2017 is regarding the regulations for holding tanks. To obtain approval of holding tanks certain criteria must be met.

- A malfunction must have occurred and the use of a holding tank is permitted until the sewer is repaired.
- As an answer to an emergency where a sewer plan is in place for near future, a holding tank can be used as a temporary solution.
- Installation of alarm systems that notify of malfunctions is being added as a regulation.
- The disposal of materials from holding tanks and locations for disposal will be controlled by regulations also.

Suv Brensinger questioned the enforcement for the smoking rules near the park areas. Sol Wolf stated they would have to check the existing enforcement for the regulations. Mgr Grumbine stated the penalty reads not less than \$100 and not more than a \$1000 per day, per incident.

**MOTION** was made and seconded to adopt Ord 4-2017 amending Park rules and holding tank issues. Motion unanimously carried.

**Ordinance 5-2017**

Sol Wolf explained that Ord 5-2017 is in accordance with the law which allows the NL Twp to join a consortium made up of other municipalities. An inter-municipal agreement is required and will be adopted by all participating municipalities. The municipalities involved are Annville Twp, Cleona Borough, City of Lebanon, N Cornwall Twp, S Lebanon Twp and N Lebanon Twp. A delegate and an alternate will be appointed by the Supervisors if this Ordinance is adopted. Sol Wolf stated this Ordinance does not address any specific situations with stormwater or any private/public facilities. This Ordinance references the municipalities and the inter-municipal agreement. Any comments about stormwater issues and/ or problems should be reserved for the comments from public, which will resume after this hearing.

**Bill Kaiser** (105 E Brookfield Dr) asked how this Ordinance will impact the individual home owners in the Twp?

**Sol Wolf** replied he cannot give an answer to that question now. This Ordinance does not deal with specific stormwater topics or issues.

**Mgr Grumbine** explained the Ordinance deals with stream bank restorations mostly, some raingardens but is mostly concerned with sediment collection and reducing the amounts of sedimentation being released.

**Valerie Kaiser** (105 E Brookfield Dr) questioned if this Ordinance includes private stormwater facilities or just refers to public facilities.

**Mgr Grumbine** replied the Engineer created a list of priorities for projects to enable reaching the pollution reduction that is needed. Most of the work is stream bank restoration such as Lions Lake located in NL Twp. Because some of the projects being located in other municipalities, she is not aware of who owns the listed areas/properties. She continued to outline the details that will be involved in this 5-year permit application. Valerie Kaiser asked about some of her neighbors who have sedimentation (road debris) transported to their properties.

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**Ordinance 5-2017**

Does this Ord help them? She was told there are no projects on the list for Deerfield North. There were no more questions from the public. Sol Wolf asked the Supervisors for any questions/comments.

Suv Miller questioned the MS-4 permit. When does it begin and what is the expiration? Mgr Grumbine replied the new permit ranges from 2018 through 2023, as it is a 5-yr permit. Suv Miller questioned the financial formula mentioned in the permit. Is the amount listed paid to the consortium or to NL Twp? He was told it is the amount NL Twp will pay to the consortium.

The Supervisors indicated they were ready to act on this Ordinance.

**MOTION** was made and seconded to adopt Ordinance 5-2017 (inter-municipal agreement for a Stormwater Consortium). Motion unanimously carried.

**7:43 PM - Public Hearing Ended****COMMENTS FROM PUBLIC** (resumed)**C.) Tracie Boyer – 70 E Brookfield Dr; Private Stormwater Facilities**

Ms. Boyer expressed her concerns about the stormwater facilities that are located on some of the properties located in Deerfield North development, E Brookfield Dr to be more specific. She has been told these are “private facilities” and the property owners are being told they are financially responsible should these facilities begin to fail. Ms. Boyer said she does not feel this is fair to place that fiscal responsibility on certain property owners when most of the development contributes stormwater into these retention ponds. Another question she has is, why were these people not informed about this responsibility when they purchased their properties. She said as tax paying citizens, it should not be the fiscal responsibility of the property owners.

Suv Miller replied that as a prospective purchaser, that duty falls to the individuals, not the Twp. Homework should be completed by the purchaser as the information is found on the deed and subdivision plan which is available to anyone who wished to view the documentation. Perhaps the realtor or settlement company provides that information. However, it is not the Twp’s responsibility to pass this information to a potential buyer as the Twp is not even aware of a property transfer occurring until the settlement is completed. He said Mgr Grumbine and Sol Wolf will be reviewing the subdivision plan for the information and will get back to Ms. Boyer.

**Valerie Kaiser** (105 E Brookfield Dr) made several remarks about the unfairness of expecting a specific property owner to be responsible financially when there are several properties that feed stormwater to the retention facility. She feels the Twp should enact a stormwater fee for everyone and the private facilities should be included in this funding for stormwater facilities. Ms. Kaiser mentioned several more thoughts she had on the issue of financial responsibilities for stormwater facilities.

**Deb Weitzel** (Fawnwood Dr) questioned Hess’ (developer) responsibility in all of this. Surely the developer should be held responsible for some of these costs. Suv Brensinger told her that if the community had an Neighborhood Association, the responsibility would fall into their laps. Once the home is sold the developer/ builder is totally out of the loop for everything. Ms Weitzel replied shouldn’t Hess have been responsible for disclosing the details about the stormwater during the property settlement.

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**Stormwater Facilities (con't)**

Mrs. Weitzel was told that if no one is asking questions about the stormwater details, how can answers be provided. Again, that falls to the potential buyer to be asking that type of question. Sol Wolf told Ms. Weitzel that if someone would want to pursue the legal line of thinking it would be up to the property owner to seek personal legal advice.

**Bill Kaiser** (E Brookfield Dr) told the Board the Twp should accept their responsibility for these private facilities because in his opinion it is not a separate system. In his opinion, the private facilities are uniform with the overall stormwater system for the Twp. The Twp can correct a broken system by establishing a stormwater fee for everyone and that includes the private facilities as well as the public facilities. He said he thinks it is the only fair and equitable way to solve this situation. Suv Brensinger told Mr. Kaiser he understands why he would think that. However, if he lived on a property that had no stormwater facility on it and the Twp adopted this fee to be distributed to everyone, would he still think it is the only fair and equitable solution? The Board needs to consider everyone when deciding what is the best course of action on these issues. Suv Brensinger said that is what makes this issue so difficult.

**Suv Brensinger** stated he has empathy for these home owners who have the facilities on their properties. However, it was the responsibility of the potential buyer to complete their homework when contemplating purchasing a property. He realizes it is a struggle to face these responsibilities. He also realizes the Twp will probably have to, in the future, adopt some sort of stormwater fee to cover the expenses of the requirements for stormwater management handed down to the local municipalities by the State and Federal levels. There is no doubt that some type of fee will have to be adopted to help cover all the expenses the Twp will be facing in the next 5 years.

Suv Brensinger said he also would like to comment that the public needs to adjust their thinking that the Twp is not financially responsible for anything to do with stormwater. For example, the new pipes and stormwater repairs just completed last year for Deerfield North area cost the Twp thousands of dollars to complete. The cost of the PADOT permit, alone, was more than \$5000. And that was just for the permit, not to mention the Engineering costs, material costs and all the labor to complete the repairs. Suv Brensinger wants everyone to know the Twp is struggling financially also to bear the costs for stormwater regulations. This subject is one that will need to be addressed by everyone in the near future.

**Suv Miller** stated the Twp struggles to keep up with the regulations handed down to them. The Board has empathy for the property owners but also must consider what would be a fair way to address the mandates.

**Deb Weitzel** (Fawnwood Dr) told the Board she lives in her home approximately 18 years and was never aware of any of this information about stormwater. She personally would be willing to accept paying a fee to help with the stormwater needs for the development. Street light taxes are assessed by neighborhoods. Couldn't a stormwater fee be assessed the same way that street light taxation is completed? Ms. Weitzel continued to say she feels that most people who live in the Deerfield North community would be willing to help pay a share of these costs in order to help their neighbors. Sol Wolf mentioned the idea of forming a Home Owners' Association who would then be responsible for this type of community expense. Suv Brensinger told Ms. Weitzel she is proposing an interesting suggestion.

**Stormwater Facilities (con't)**

Suv Brensinger said the idea of development by development assessment is certainly worth reviewing for some thought and research. Each development has a system designed to support that specific development. Suv Sattazahn stated he feels it is a better idea than some that have been mentioned recently.

**Tracie Boyer** asked the Board if there is anything that can be done for the private facility owners now? If something should happen to the structures and they fail or collapse, is there no recourse for those individuals now? She was told that currently private stormwater facilities are the sole responsibility of the property owners on whose property the facility is contained.

Valerie Kaiser said if a home owners' association is created that is to take care of these private stormwater facilities, shouldn't the property owners receive a reduction in Real Estate taxation. She was told that is not an option.

**CHIEF OF POLICE REPORT – Chief Harold Easter****A.) Calls For Service – June**

Chf Easter reported on the summary of activities for the month of June. A total of 562 citizen/Police contacts were completed along with 8,864 miles on the cruisers.

**B.) W Leb Twp/ Jonestown Borough – Police Services**

Suv Miller asked about the Police Services being provided to W Leb Twp and Jonestown Borough. Chf Easter reported it seems to be going very well. Both Councils have reported their appreciation of the difference NL Twp Police service is making in their communities.

**C.) New Police Officer**

Chf Easter informed the public that a new Police Officer has been hired for the NLT Department. He is a veteran who lives in the west district of the Twp and will begin his employment July 31, 2017. Ryan Haase is the name of the new Officer and is a veteran who lives in the Twp with his family.

**TOWNSHIP MANAGERS REPORT –Cheri Grumbine, Twp Manager****A.) Municibid Items – Awarding of Bids.**

On 6/02/2017 the Twp placed several items on Municibid for auction sale. The auction was active until 7/05/2017. The resulting bids were as follows:

<u>Item</u>	<u>High Bid</u>	<u>Bidder</u>
2010 Ford Crown Victoria Interceptor	\$2800.00	William Small
Mikasa Tamping Ram	\$ 150.00	Brian Doty
Watchguard Cameras	\$ 100.00	Thomas DiPalma
Strobe Power Supply, Lights, Siren	\$ 31.00	Thomas DiPalma
Rear Window Guard, Light & Siren Boxes	\$ 71.00	Thomas DiPalma
Power & Control Units	\$ 210.00	Philip Rohn
Gun Locks & Dash Lights	\$ 110.00	Alex Kajewski

**MOTION** was made and seconded to approve that highest bids received on Municibid for the items advertised. Motion unanimously carried.

**B.) Tree Dedication – Lenni Lenape Tree #37**

Tina Pitt has submitted a Tree Dedication Agreement along with payment for tree #37 at Lenni Lenape Park. The Board is being asked to approve the agreement with Tina Pitt from Narrows Drive.

**MOTION** was made and seconded to approve the agreement with the Tina Pitt for tree #37 at Lenni Lenape Park. Motion unanimously carried.

**C.) Lebanon County Stormwater Consortium Delegate, Alternate; Project Listing for PRP**

During a previous meeting the Board approved participating in the Lebanon Area Regional Pollutant Reduction Plan (PRP) and upon approving Ord 5-2017 this evening, the Board is asked to appoint a delegate and an alternate to the Lebanon County Stormwater Consortium (the steering committee to meet the mandated goals under the MS-4 PRP). An estimated cost of \$5M is for the six municipalities, of which \$1M will be NL Twp's contribution. The Consortium will meet monthly, at a minimum. Currently being considered is entering into an agreement with the County of Lebanon Redevelopment Authority as the administrator. SESI, Dan Cannistraci is the engineer for our group. The following delegates have been appointed to date:

<u>ENTITY</u>	<u>DELEGATE</u>	<u>ALTERNATE</u>
Cleona Borough Authority	Brian Hoffman (BD Member)	Kerry Rohland (Mgr)
Annville Twp	Tom Embich (BD Member)	Nick Yingst (Mgr)
City of Lebanon		
N Cornwall Twp		
S Lebanon Twp	(to be appointed 4 <sup>th</sup> Tues of July)	

A public comment period will be advertised from August 1 through the 31<sup>st</sup> to receive comments regarding the Regional PRP. A public hearing has been set for **Monday, August 21<sup>st</sup> at 10:00AM,** which will be for all 6 entities to take public comment. The hearing is scheduled to be held at 1220 Mifflin St. Delegate and/or alternates must attend on behalf of the municipality. Dan Cannistraci (SESI) and Dan Lyons (Redevelopment Authority) will also be present at this hearing to answer any technical questions. Mgr Grumbine provided the Supervisors with a list of the projects in the Regional PRP that the committee had reviewed last week (locations included).

Discussion started on who to appoint as a delegate and an alternate on this consortium. Suv Miller said he would like to serve on this committee and he feels Mgr Grumbine would be the best person to serve as an alternate. Chm Miller asked his fellow Board members how they feel about his suggestion. Both indicated their agreement.

**MOTION** was made and seconded to appoint Dick Miller as the delegate and Cheri Grumbine as the alternate to serve on the Lebanon County Stormwater Consortium. Motion unanimously carried.

**D.) Pertinent Issues**

1. PaDot Letter – N 15<sup>th</sup> Ave/Weavertown Rd Study – A follow-up letter dated June 28, 2017 was received from PADOT about the intersection of Weavertown Rd and N 15<sup>th</sup> Ave pertaining to restricted truck turning restrictions. PADOT will be installing NO RIGHT TURN plaques for specific length trucks. The question of enforcement was put to Chf Easter. Suv Brensinger questioned if, after PADOT installs signs, must the Twp add it to the Twp Ordinances. Sol Wolf said it depends how the section is written.

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PaDot Letter – N 15<sup>th</sup> Ave/Weavertown Rd Study (con ‘t)

Chf Easter stated having the signs posted by PADOT will allow the Officers to pursue the violations without adoption of an Ordinance.

2. The Crossings Phase 2 Final Plans Ready for Signatures – Mgr Grumbine informed the Supervisors there is no action required from them for The Crossings as they have already approved the plans. All that is needed signatures on the plans for recording.

3. Lebanon County Planning Dept – Request for Lot 127 Homestead Acres – LCPD has contacted the Twp regarding a request from a potential buyer of Lot 127 in Homestead Acres. They would like to construct a pole barn first, prior to constructing a home. A timeline was presented for the completion of the home after the barn completion. Mgr Grumbine explained this is not the usual process in NL Twp. The Supervisors discussed the request and decided to have Sol Wolf prepare a written agreement to be signed from the individual(s) pertaining to this request.

**MOTION** was made and seconded to have Sol Wolf draft an agreement with the people making the request for Lot 127 in Homestead Acres. Motion unanimously carried.

4. Intersection 7<sup>th</sup> St/Kochenderfer Rd/ Kimmerlings Rd – Mgr Grumbine informed the Supervisors the Twp received a 5-year history of information regarding the intersection at 7<sup>th</sup> St/ Kochenderfer Rd/ Kimmerlings Rd. She wanted the Board to be aware of the report as this has been a concern for the Board for a long time. A discussion about the intersection was held. Suv Miller asked if a traffic study should be done again as some time has passed since the last one was completed. Suv Brensinger stated the last study was done when The Crossings Plan was first submitted and they paid for the study. If a decision is made to have a study done again, the Twp will be paying for it. Suv Miller questioned how much a traffic study costs. Mgr Grumbine replied she would have to check as she does not know. Suv Brensinger said Jon Fitzkee, Leb Co Transportation, should be contacted to give us information on a traffic study and the costs involved. Suv Miller suggested Mgr Grumbine contact LCPD and try to obtain some information on a traffic study.

**SOLICITOR’S REPORT; Sol Fred Wolf -- Henry & Beaver****A.) Memo Of Understanding for NLT Fire Companies – Capital Reserve Fund; Forward to FC for September 6<sup>th</sup> Joint Meeting**

Sol Wolf stated the MOU is now with the Supervisors for review. A copy will be provided to the Fire Chiefs for their review. A meeting will be scheduled for 9/06/2017 with the Supervisors, Fire Chiefs and Presidents of the 4 volunteer fire companies within NL Twp. Brian Vragovich questioned if the Committee that had been appointed previously should be involved in this meeting. Mgr Grumbine said the Board had talked about the Fire Chiefs and the Presidents attending the meeting. Chf Vragovich agreed to contact the other 3 Fire Chiefs/Presidents.

**COMMENTS FROM BOARD MEMBERS****A.) Suv Bruce Sattazahn - Dead Trees in Twp Right-Of-Way**

Suv Sattazahn said he wanted to mention an issue that is of importance. However, it is not an issue that is top priority. He shared that he gets to travel through the Twp on many of the roads. Currently there is an awareness about the diseased Emerald Ash trees and the problems that are being caused by these decaying and dead trees. He feels strongly that the Twp employees as well as the Police Officers and Fire fighters need to be aware of the dangers that could be caused by these decaying trees. He has had the opportunity to speak with a few of the Fire Fighters within NL Twp.



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**Dead Trees in Twp Right-Of-Way (con't)**

Suv Sattazahn is suggesting that as the Twp employees are out and about working, should they see a dead or dying tree within the Twp right-of-way or just beyond the right-of-way, to note the address. The office staff could then issue a letter of notification to the property owner about the dead tree. Conversation started about enforcement after a notification is mailed. Suv Sattazahn stated it is not his intention to force a property owner to remove a dead tree but rather notify them and then let the property owner decide a course of action. Should a liability issue ever arise, the Twp has written proof that the property owner had been notified about the potential danger. After some discussion among the Supervisors, Suv Sattazahn said this topic is something to mull over and think about as this problem with dead trees in the Twp right-of-way is not going to go away.

Suv Sattazahn asked what his fellow Supervisors think of this idea. Suv Brensinger said he does not object to the idea. He wants to know if Suv Sattazahn is going to volunteer to travel throughout the Twp and note the addresses. He agreed that at the very least the Twp should spotlight the issue in one of the upcoming Newsletters. Suv Sattazahn said it is not his intention for this to be a “dead tree Nazi” project. The letter would be a notification or awareness letter to the home owner. The Board members conferred with Chf Easter who voiced he thought it would be a good idea.

**B.) Suv Dick Miller – Police Officers Deaths**

Suv Miller spoke about the recent murders of the Police Officers which have occurred in several different states. He wanted to offer his prayers for the Officers of North Lebanon Twp that they remain safe and return home to their respective families at the end of their shifts. Also, he asked that we all keep the families of all the fallen Officers in our prayers.

With no further business to discuss, meeting adjourned.

Respectfully Submitted

Theresa L. George  
Recording Secretary