

**MINUTES
NORTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS
OCTOBER 16, 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.

Chm Miller announced the regularly scheduled meeting will begin but will suspend at 7:15pm for a Public Hearing on 2 different Zoning Amendment requests.

COMMENTS FROM THE PUBLIC

A.) Michelle Hawk – Lebanon County Library Update

Ms. Hawk from the Lebanon Community Library updated the Board with some statistics on the types of materials that are being used and/or borrowed from the Library from North Lebanon Township residents. The use of available materials continues by the public. She thanked the Board for North Lebanon Twp’s support shown through the years.

B.) Lee Spencer – President Ebenezer Fire Company

Mr. Spencer is representing the Ebenezer Fire Co tonight. Ebenezer members agreed to replace their LaFrance aerial pumper, which is the only aerial in the Twp. Fortunately, information was discovered on a newer (2000) used pumper owned by a Mt Joy, Lancaster County fire company, negotiation ensued and several visits to Mt Joy were made. An agreement of \$60,000 was arrived at for the selling price. Due to the brand, LaFrance, no longer being in business, a research was done pertaining to parts being available.

Considering the discussions that have been taking place between the Twp and the Fire Companies regarding setting up an equipment fund through a Capital Reserve Fund, a handshake deal was struck with Mt Joy. With the Capital Reserve Fund and the money, the Fire Co has, no loan will be needed for Ebenezer Fire Co. Spencer told the Board he has communicated with Mgr Grumbine several times in the past 2 weeks on what documentation would be needed to have Ebenezer’s \$30,000 equipment funds to be released. Ebenezer Fire Company has now provided all the following required documentation to the Twp Manager: a letter from Lee Spencer, as President of the Company; a copy of an agreement between Ebenezer Fire Co and the Fire Co of Mt Joy to purchase the ladder truck; minutes of the meeting held 9-11-2017 at the Ebenezer Fire Co; Charitable Organization Registration Statement and names/addresses of executive officers of Ebenezer Fire Co; the 2016 990-EZ form and their 2015-2016 CPA audited records. He is respectfully asking the Board to release the amount of \$30,000 from the Capital Reserve Fund set for Ebenezer Fire Co so that the aerial pumper may be purchased from Mt Joy Fire Co. Mr. Spencer thanked the Board and Mgr Grumbine for all the time she has spent helping Ebenezer on this project.

MOTION was made and seconded to approve the request for Ebenezer Fire Co to receive the \$30,000 fund from the Capital Reserve Fund established for them to purchase vehicles/lifesaving equipment contingent on signing of the MOU. Motion unanimously carried.

C.) Bob Fetzer – Aspen Way Property

At the previous meeting Mr. Fetzer had issued a complaint against a property located on Aspen Way that was abandoned and now bank owned. He wished to thank everyone involved for getting the property cleaned up and maintained in better condition. It has been appreciated by all the neighbors and he wanted to inform the Twp that they appreciate the efforts made by the Twp to get the task accomplished. Fetzer also said he extends his thanks to the gentleman who volunteered to do the first mowing job. It was very difficult to tackle the first mowing job. Not only did he mow the property, he came back and cleaned all the debris up.

***** PUBLIC HEARING 7:15 PM*****

At this time, the regularly scheduled Board meeting was suspended to allow the Public Hearing portion of the meeting to begin.

Sol Wolf began the Hearing by explaining the Township had received 2 different requests for Zoning Amendments. The process for both requests were done following the regulations set forth when a Zoning amendment request is received. Advertisement was completed, posting of the properties was completed, letters to surrounding property owners were mailed stating the time and date of the Hearing, NLT Planning Commission reviewed the request as well as Lebanon County Planning. Both Planning agencies have recommended approval of each request. A draft of Ordinance 6 -2017 and Ordinance 7-2017 have been available for viewing in the main office of the Municipal Building.

Ord 6-2017 - ZA #1-2017 State Rte 72 N (Auto Auction)

The Hearing started with Sol Wolf introducing Atty Schrum, representing N. Lynn Ebersole and James A. Kreider. Mr. Ebersole and Mr. Kreider had purchased the property at 1915 State Rte 72 N in late June of 2017. At the time of settlement for the property it was questioned why the front portion of the parcel is zoned C2A while the rear of the parcel was zoned as Ag. The parcel contains approximately 9.78 acres of which 4+ acres is zoned Ag. The Commercial portion contains an Auto Auction and various associated buildings. The Ag portion of the parcel contains a large stormwater basin, 6 gas pipelines located in an easement owned by Texas Eastern and a large sand mound with a secondary site for a backup sand mound.

Atty Schrum stated the owners wish to rezone the rear portion of the property from an Agricultural zone to a Commercial C2A zoning classification to unify the parcel. Currently there is no plan to construct anything on this property. Other than cleaning it up, the rear portion of the property will remain the same. At some time in the future, should the decision to expand the business take place, Mr. Ebersole and Mr. Kreider would go through all the regulatory processes to achieve the expansion. It is their intention to be a good neighbor and run a clean operation. The area has been cleaned up significantly since they have taken ownership of the property, including removal of cars that had been stored there previously.

The public was invited to voice any comments/questions they might have.

Barb Starner of Mountville Dr voiced her concern that the property will not be maintained and groomed. She asked if the mowing of the property will be kept current as she suffers with asthma. She was answered with a definite yes by Mr. Kreider.

Bob Sheetz of Mountville Dr gave a history of the property in question and the area. A concern was expressed about the area becoming a “junkyard” for old rusted vehicles. He said Bachman’s Used cars is located there as well as Dissinger’s garage. He mentioned the neighboring car lot located in Swatara Twp as well as Blouch’s Turbo business. The area seems to be in fluxed with cars/ vehicles. The neighboring properties all receive water runoff from this property and a concern for the well water quality is real to them. He said he is opposed to a zoning change for this property as he feels we need to keep all our Agricultural lands.

Ord 6-2017 - ZA #1-2017 State Rte 72 N (Auto Auction) (con't)

Atty Schrum responded to remarks about Ag zones in the Twp. There is 38.7% lands dedicated in Agricultural, basically 1/3 of the Twp. Mr. Kreider stated there are catch drips installed for motor oil and such emissions from stored cars. As the discussion moved to future possibilities that a Commercial zone could be used for, Atty Schrum replied that any kind of changes the property would go through would need to be approved by the Twp through the required permitting process. Mr. Kreider assured Mr. Sheetz it is not their intention to turn this property into a junkyard.

Dean Patches Horst Dr stated he owns property located in Swatara Twp which is directly across from the Auto Auction property. His concern is the stormwater flow. He said he is concerned if any changes are planned for the Auto Auction property he will get the stormwater flow, which he feels, would affect his fields. Patches said he does not think the basin on the Auto Auction property is operating correctly currently. His next question pertained to Texas Eastern. Were they notified about this Public hearing and do they have any input on this request? Atty Schrum replied that they were not legally obligated to contact Texas Eastern. Atty Schrum stated they do not own the area where the pipeline is installed. It is simply an easement.

Hudson Hughes Mountville Dr started his remarks by saying he has several issues with property being rezoned. He does not wish to have any more stormwater directed toward his property than he already has. The traffic is bad enough now. What will happen if this business expands? There are children that play on the streets and the neighbors do not wish to contend with more speeding traffic. Another concern he has about the property being rezoned to Commercial is the fact that if the rear lot is developed, it means they will want to install bright lighting. He is not happy about the possibility of having bright lights installed. He is suggesting the request be denied and the land stay zoned as Ag. Atty Schrum replied that many of the concerns Mr. Hudson is mentioning would all be dealt with during the permitting process.

Mike Fuhman Mountville Dr expressed concern about the wells on the surrounding properties. If the area is used to house old rusted vehicles the oils, gas and other discharges will saturate the ground and be dispersed into the surrounding soils and will eventually end up in the neighbors well water. He, too, is concerned about the traffic the auction brings. Mr. Fuhman asked what will happen 10 years from now when the owners decide to sell the property. What protection do the neighboring property owners have then from various uses for the property?

Mr. Hughes questioned if vehicles are permitted to be parked on the parcel if it remains Ag? He said the answer should be easy enough. Just look in the Twp Ordinances for the Ag zoning. He was told LCPD would be the ones to respond to that question, as the Twp's Zoning Officer.

Mr. James Kreider said he would like to assure the people here that their intentions are to clean up the property and keep it orderly and be a good neighbor. They will always abide by any regulatory processes that are in place. He mentioned that at some point, if the neighbors requested it, a privacy fence could be a possibility. It is not being planned to do so at this time. However, Mr. Kreider said they would be open to such requests.

Mr. Hughes repeated his request to have the permitted uses read to the public. He said that is the purpose of this Public Hearing. The Public voices concerns and/or questions and the answers should be provided. He wants to know if parking of cars is permitted in the Ag district. Is so, why does the zoning need to be changed. Sol Wolf said he is hearing several different concerns being expressed. He said the purpose of this Hearing is not to determine uses of zoning districts, it is to decide whether to approve the zoning request for this property.

Ord 6-2017 - ZA #1-2017 State Rte 72 N (Auto Auction) (con't)

Sol Wolf asked the Supervisors for any questions or comments they might have. Suv Miller and Suv Sattazahn replied they have no questions or comments.

Suv Brensinger wished to comment on the area of the property that is being discussed. In looking at the drawing and seeing the size of the basin already located on that piece of the property, as well as an existing sand mound and a secondary site for another sand mound and an easement for gas pipelines, there does not seem to be too much usable area left. There is not much that could be placed in this area. He asked Atty Schrum if he knew what the zoning was for the properties located across the street. Atty Schrum replied it is Rural Residential (RR). Suv Brensinger continued to say he doesn't know what else the land could be used for. It is too small an area for anything like Turkey Hill or Sheetz. The properties to the north of this land and 2 connecting properties are already zoned Commercial. The land could not be used for Ag purposes other than feeding a few sheep. He said he was ready to act on the request.

MOTION was made and seconded to approve the request from James Kreider and N. Lynn Ebersole, owners of 1915 State Rte 72 N, ZA #1-2017 and to adopt Ordinance 6-2017 which approves the rezoning of the portion of this property to be rezoned from Agricultural to Commercial (C2A). Motion unanimously carried.

ZA #2-2017 - 1321 Weavertown Rd; Godshall's Quality Meats

Sol Wolf confirmed all the legal requirements for this zoning request had been completed. Advertisement, posting of the property and letters being mailed to surrounding property owners was accomplished. NLT Planning Commission and Lebanon County Planning Dept have recommended approval of this request. Sol Wolf introduced Jerry Landuyt from Godshall's Quality Meats. Jerry explained he was representing Godshall's Quality Meats for this Public Hearing regarding a zoning amendment change. A large map was shown displaying the small corner property at 1321 Weavertown Rd. In looking to future planning, Jerry stated that the only way to accomplish the future planning was to purchase this property and demolish the current structure located on it. By doing so it will square off the property owned by Godshalls. Future planning would involve moving the current dock area to the rear of the Godshall property, away from the street, where it is currently located. Another large print showed the property as it is planned for future renovations. Jerry introduced the new plant manager, Mike Blecker.

Sol Wolf said the floor would now be open to comments and questions.

Cindy Heintzelman Weavertown Rd informed the Board she lived across the street from the bologna plant. She said she is not happy about all the noise from the plant, running 3 shifts, 24 hours a day. Her husband is a truck driver who wakes in the early hours and goes to bed in the early evening hours. The sounds of the employees shouting to each other, dumpster clanging and equipment running over the dock areas as well as horn blowing is very annoying to those who are trying to sleep. She said she has spoken directly to the workers as well as called the plant office on several occasions regarding the excessive noise.

Mr. Blecker, plant manager, apologized to Mrs. Heintzelman for any disturbances that she and her husband have experienced. He admitted to knowing about a phone call from a neighbor. However, he admitted, he did not follow up on the call. What he wanted to mention to Mrs. Heintzelman is the area that is so troublesome to her right now, will, with future planning, go away. The dock area and the building that is located at the street currently will be relocated to the rear of the property. It will no longer be situated at the street. He mentioned it will not be immediate but could be accomplished, maybe, by February of 2018. Sol Wolf asked for any other comments and there were none. He then asked the Supervisors for any questions/ comments. No comments or questions were offered.

MOTION was made and seconded to adopt Ord 7-2017 approving ZA #2-2017 changing the zoning classification at 1321 Weavertown Rd from Rural Low Density Residential (R1) to Industrial (I). Motion unanimously carried.

Sol Wolf said this would conclude the Public Hearing session and the regularly scheduled Supervisors meeting would reconvene.

APPROVAL OF MINUTES

The minutes from the Board of Supervisors meeting held September 18, 2017 are ready for action.

MOTION was made and seconded to approve Board of Supervisors minutes from September 18, 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 – September

Chf Vragovich reported there were 33 responses to calls for service in the month of September. A total of 95-man hours was reported for the month of September.

B.) Glenn-Lebanon Fire Co – New Tanker Truck

Chf Vragovich invited the Supervisors to join him outside after the meeting is over. He would like them to see the new truck that Glenn-Lebanon has finally taken possession of.

CHIEF OF POLICE REPORT – Chief Harold Easter

A.) Calls for Service – September

Chf Easter reported on the summary of activities for the month of September. A total of 479 citizen/ Police contacts were completed along with 8,040 miles on the cruisers.

B.) October Activities

Chf Easter reported that on October 21st Mall-oween will be observed at the Lebanon Valley Mall. The Police Dept sponsors this event which starts at 11am and is open to the public.

Trick or Treat will be held Tuesday, October 31st between 6pm and 8pm with a raindate of November 1st. He reminded everyone to have an enjoyable time but to be safe.

TOWNSHIP MANAGERS REPORT –Cheri Grumbine, Twp Manager

A.) Lions Lake Goose Problem

Last week a letter had been mailed to the neighboring properties of Lion's Lake. The letter contained information regarding the recently installed Denier Light and its purpose, which is not harmful to the geese. The letter also offered background information on problems the geese are creating for maintenance staff trying to maintain the walking paths, playground areas, sports fields and lake. The letter described the harmful effects of feeding geese such items as bread or other foods not in their normal diet. A request for vigilance on the neighbors' behalf to report any types of tampering with Twp property to the Twp or Police Dept was included in the letter. Mgr Grumbine reported that signs stating "NO FEEDING OF WILDLIFE" have been ordered. A question had been asked if anyone caught feeding the geese would be fined. Mgr Grumbine replied the no feeding of wildlife is a part of the Twp Parks & Rec regulations ordinance. The current known frequent feeders of wildlife had been included in the mailing that had been sent. Yes, enforcement will be done.

B.) Dynatech Maintenance Agreement

The annual maintenance with DynaTech to provide planned maintenance for the building generator is due for renewal. The Board is being asked to approve the agreement at the cost of \$495/ year.

MOTION was made and seconded to authorize signatures on the Agreement with Dynatech for maintenance of the Twp generator. Motion unanimously carried.

C.) Lebanon Co Stormwater Consortium Update

Suv Miller reported on the meeting he and Mgr Grumbine had attended earlier in the day. The meeting had been held at Stevens Towers. A lot of organizing of the Consortium was accomplished this meeting. Discussion about stormwater fees and the 3 tiers of service broken out in the study. Three of the municipalities in the Consortium have already voiced their preference. The application has been finished and sent to DEP. Response from DEP could be in 2018 or even 2019. In the meantime, review of the possible projects on the list can be done. Currently a RFP is being drafted to hire an Engineer and Solicitor to work with the consortium. North Lebanon is still discussing all options and a decision has not been made regarding what type or what amount of fee to charge. The next scheduled meeting is November 20th.

Valerie Kaiser asked the Board to explain what each tier, or level, will cover when the stormwater fees are assessed. Mgr Grumbine repeated the 3 levels that had been presented during the study presentation and the items that would be covered with each level. She reminded Ms. Kaiser the Twp has not made any decisions or committed to any type of fees as of now. She added the Board does not have to adopt the amounts that were suggested. We have the option of setting any fee amount that is deemed necessary. Mrs. Kaiser questioned if any of the tier levels would offer assistance to the property owners who have systems on private property. Tier 3 that had been displayed during the Steckbeck presentation would offer assistance for private facilities. Mrs. Kaiser queried why property owners with systems on their properties, which they are financially responsible for, would be required to pay a fee for Twp owned pipes and systems. Suv Miller explained it would be involved with the projects that the consortium has outlined and is mandated by State and Federal regulations. The fees would not be to cover the pipes owned by the Twp. Valerie voiced her opinion that the private facilities should be included with any program that the Twp adopts.

Suv Brensinger asked about the timing of this fee schedule and the billing decisions that still need to be determined. Would all these decisions have to be made prior to the 2018 Budget being adopted. Mgr Grumbine replied that is up to the Board. She intends to show a new Stormwater Fund, a proprietary fund, with the 2018 Preliminary Budget in November. However, it is her understanding this, or any rate, must be adopted by Ordinance following a Public Hearing. This could be done in January or February 2018 with billing to take place thereafter. Mgr Grumbine informed the Board she had requested a sample Ordinance from the Engineer. The 2018 Budget must be adopted before December 31st.

SOLICITOR'S REPORT; Sol Fred Wolf -- Henry & Beaver**A.) Resolution 16-2017 – Moravian Manor**

The Municipal Authority, in the past, has acted as a conduit for Moravian Manor. Moravian Manor is now involved in the design and construction of a new facility to be located on the Warrick Woodland Tract. The Municipal Authority approved acting as conduit for Moravian Manor during their last meeting. The Supervisors are now being asked to approve the Authority as a conduit for Moravian Manor. The Twp is not held financially responsible for anything, nor is the Municipal Authority.

MOTION was made and seconded to adopt Resolution 16-2017 authorizing the Municipal Authority to act as a conduit for Moravian Manor. Motion unanimously carried.

B.) Resolution 17-2017- NLT Fire Co Capital Reserve Fund

Sol Wolf provided Resolution 17-2017 which authorizes a Capital Reserve Fund for the four Volunteer Fire Companies in North Lebanon Township. The Fire Protection Tax will be deposited into this Capital Reserve Fund.

MOTION was made and seconded to adopt Resolution 17-2017 that authorizes the establishment of a Capital Reserve Fund for the NLT Fire Companies. Motion unanimously carried.

C.) MOU with Each Fire Company

Sol Wolf provided a revised copy of the MOU that had been reviewed and discussed by the Board and the Fire Company representatives. Sol Wolf pointed out the sections that had been discussed for revision and one portion that had been eliminated.

MOU with Each Fire Company (con't)

Sol Wolf told the Supervisors that the Fire Company members will receive a copy to review within the next few days. He said if the Board is satisfied with the MOU, finished copies will be printed and a copy of the MOU will be emailed to the 4 Fire Companies for review.

Brian Vragovich told the Board he is somewhat confused with the process that Sol Wolf has outlined in the MOU agreement. He asked if the adoption of Resolution 17-2017 affects the Fire Companies second half of the annual allocation that is distributed at the end of the year. He was told no the Resolution is about the Capital Reserve Fund recently established for the Fire Companies. Chf Vragovich said he remembers in earlier discussions pertaining to required documentation that would need to be submitted for the annual allotment and it did not mention the documentation that is now being discussed. Glenn-Lebanon had submitted their financial statements completed for the year 2016. However, they will not have a completed audit for several months according to their CPA. Suv Miller explained that the annual allocation will be provided when a 2016 CPA audited financial report is received. Additional information is required when applying for the newly created Capital Reserve Fund. Chf Vragovich mentioned some of the large expenses Glenn-Lebanon has experienced recently and now the expense of an official audit will really create a hardship for the Fire Company. If he understood Sol Wolf correctly an official Audit is now needed for the second half of the Fire Companies' annual allotment. Mgr Grumbine questioned Brian why his CPA felt the audit would take so long to complete. He responded saying that is what they had been told. Glenn-Lebanon has audited their records annually with their own committee. Mgr Grumbine replied she is sure the records are well kept and is confused as to why an audit would take several months to complete. Brian said it is something the company will have to consider as far as contacting another CPA. He repeated he is concerned about some of the large expenses the Fire Company experienced recently. Mr. Spencer stated it took only a few weeks for their CPA audit to be completed, as they had most records available from completing the 990

D.) Bid Specs for Re-roofing; Authorization to bid; Pre-bid Meeting Date

The bid specs for a roofing replacement on the municipal building was presented to the Supervisors. Sol Wolf said he had reviewed the specs which seem to be in order. Suv Brensinger questioned if these documents are now complete and ready to go out for bid. He said he is not seeing an advertisement and bidding contract which is usually along with the Bid Specs. Sol Wolf said he must contact the Architect and ask about the missing bid documents. Suv Brensinger expressed his frustration on the way this whole project went. It has cost the Twp a huge amount of money and time to bid out and receive permitting for a roof repair. It is a project that could have been accomplished in less time than this bid document preparation has taken.

MOTION was made and seconded to approve the bid specs as submitted and to approve Sol Wolf reviewing any bid packet information that is provided from the Architect. Motion unanimously carried.

COMMENTS FROM BOARD MEMBERS

There were no comments from the Board this evening.

With no further business to discuss, meeting adjourned.

Respectfully Submitted,

Theresa L. George
Recording Secretary