

**MINUTES
NORTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS
SEPTEMBER 17, 2012**

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
Kenneth C. Artz	Treasurer
Cheri F Grumbine	Twp Manager
Harold L. Easter	Chief of Police
Solicitor Frederick S. Wolf	Henry & Beaver LLP

Also in attendance was Brent McFeaters, of Matthew & Hockley, Kathy Hackleman of the Lebanon Daily News and several other individuals. The meeting was called to order and the pledge to the flag was done. Following the Pledge a Moment of Silence was observed in memory of Neil Armstrong who passed away and the Military members who were murdered this week.

Chm Miller explained the changes in the appearance of the Agenda and the Attendance sheet. He also reminded everyone to turn down or turn off cell phones.

COMMENTS FROM THE PUBLIC

A.) James/Cynthia Hursh – Lot Addition Plan/Planning Module Waiver; E Maple St – Brent McFeaters, M&H

The Hursh Lot Addition Plan and the Planning Module waiver have been recommended for approval by the NLT Planning Commission and Lebanon County Planning Dept. After the plan has been recorded a new deed will be drafted. Brent McFeaters of Matthew Hockley is present to answer any questions the Board might have regarding this plan or future use of the property. Suv Brensinger questioned Brent if he knows what the future plans might be for the lot the Hursh's are going to be retaining. McFeaters explained the lot which contains the structures is going to be sold to the former owners, the Sanger family. The lot which is fronting Maple Street will be owned by the Hurshs and will continue to be farmed. NLT Planning Commission and Lebanon County Planning have recommended approval of the plan. Chm Miller asked his fellow Board members if they had any further questions or comments on this plan. None were offered.

MOTION was made and seconded to approve the Planning Module waiver and non-building declaration as well as the Lot Addition Plan for the Hurshs. Motion unanimously carried.

Godshall's Quality Meats - Kutztown

Mgr Grumbine told the Board that while Brent was here to answer any questions on the Hursh Plan she would like them to take action on another request from Matthew & Hockley regarding a letter to be submitted to PADOT. The letter is to indicate the Twp's awareness of the fact that Godshall's Quality Meats located on Weavertown Road is applying for a Highway Occupancy permit for improvements to an existing driveway. Brent McFeaters showed a print of the proposed plan for the project which should alleviate some of the traffic problems for the trucks.

MOTION was made and seconded to authorize a letter from the Twp be provided to PADOT pertaining to the Highway Occupancy permit application for Godshall's Quality Meats. Motion unanimously carried.

B.) Denzil/ Nancy Lane – Lot Addition off Justa Lane

The Lane plan is also a Lot Addition. Upon completion of this plan, the lands to the north of Justa Lane will be included within the deed for Casey/Jennifer Lane and the lands to the south will be deeded to Denzil/ Nancy Lane to remove the lot addition area from their deed. The Lane Plan will also need approval of the Planning Module waiver. Hearing no more comments or questions Chm Miller asked for a motion on this plan. NLT Planning Commission and Lebanon County Planning Dept have recommended approval.

MOTION was made and seconded to approve the Planning Module waiver, non building declaration and the Lot Addition for the Lane Plan. Motion unanimously carried.

C.) Tammy Steele – Jody Avenue; School Bus Stop & Traffic

Mrs. Steele explained to the Supervisors that she is not quite sure what they are able to do about the problem of the motorists speeding on N 7th Street and disobeying the bus laws. However she feels that something must definitely be done before a child is injured or killed. Chm Miller asked Mrs. Steele to describe some of the occurrences that are happening at the bus stop located on N 7th Street. The vehicles are speeding while the children are trying to board or vacate the bus. The driver is following all the requirements according to Mrs. Steele; the Stop sign is displayed, the protruding metal arm is extended and there are still some motorists who disobey the signals. Mrs. Steele stated that the parents are all concerned about this situation. She has visited the Police Dept and discussed the situation with Chf Easter. A visit to the Twp office was made and she had called the school district and spoken to Mr. Daubert. The bus driver has reported the situations to his supervisors. Mrs. Steele said she does not know if a public awareness campaign would help the situation or not. The Police have tried to provide presence during the morning hours and were successful in citing some speeding motorists. However she does realize the officers are not able to spend all of their time at this one location.

Chm Miller spoke to Chf Easter and asked his opinion on this request for help. Chf Easter replied the officers have been in the area recently and have cited several speeders. Unfortunately the times the Officers were present none of the motorists “blew past” the school bus. He spoke to Mrs. Steele and said that if the bus driver is able to note the make of vehicle and get the license plate number, the Police Dept will prosecute the individuals. Mrs. Steele responded it is very difficult as the vehicles are usually traveling the opposite direction of the bus. Chf Easter said anyone can note the information and provide it to the bus driver. The bus driver will then provide the information to the Police Department. Mrs. Steele thanked Chf Easter and told him that is good information to know.

D.) Martin Barondick – Ebenezer; Chicken Farm Odors – Tunnel Hill Road

Mr. Barondick started his remarks by saying how horrible the odors have been this past summer due to the Kreider chicken farm. He said when this Land Dev Plan was proposed many individuals objected to it. Some people took the “wait and see” attitude. Barondick said he was one those people. In 2011 the odors were practically non-existent. Something must have changed since last summer because the odors this year were intolerable. Mr. Barondick told the Board his wife suffers with a breathing condition that requires inhalers, medication and a treatment machine; all of which are costly. She enjoys sitting on her porch in the evenings and reading. This past summer she was unable to do so. Barondick stated the quality of life has been taken from the Ebenezer people due to this chicken farm. He repeated that the farming method must have changed because in 2011 there were little or no odors, 2012 the odors are unbearable. Barondick told the Supervisors something needs to be done about this problem.

Mgr Grumbine said she had spoken to Lynnette Gelsing, of the Lebanon County Conservation District, who works with the farmers on these types of situations. Ms. Gelsing contacted Mr. Kreider to tell him of the complaints. Labor Day weekend the chickens were held longer than is usual and the chickens grew to be larger, and the smell was worse. At this point the Kreider operation is not considered to be an intensive animal operation and is not required to do an odor management plan.

Chicken Farm Odors – Tunnel Hill Road (con't)

However if the odor problems continue she will visit the site and work with the Kreiders on some voluntary procedures that can be enacted.

Chm Miller asked Sol Wolf for a legal point of view. Sol Wolf stated there are odor abatement programs available. PA does have a “right to farm” act. The approved Plan needs to be reviewed to see what was agreed to on the plan to prevent some of the farming problems in a residential area. Suv Artz asked about a natural barrier. Barondick said there was a row of arborvitae placed in holes that were dug and have all since died.

Robert Hoch – Ebenezer Road

Mr. Hoch questioned the reason for the chicken house fans being directed east instead of west. Chm Miller stated he cannot answer that question. Hoch told the Board they could not sit out on their patio and enjoy the summer evenings as the unpleasant odors prevented it.

Beth Hoch – Ebenezer Road

Mrs. Hoch stated that she wanted to agree with everything Martin Barondick has said. She said it was unpleasant all summer this year. She also mentioned they had to run their air conditioning all summer because the possibility of opening the windows did not exist.

Lori Yancey – Ebenezer Road

Mrs. Yancey told the Board she also objected to the large flies and the knats that were unbearable. Another concern she had was when noticing Mr. Kreider spreading the manure, the proximity of the stream/creek was too close, in her opinion. The Yancey’s have a well and she is concerned about the effect this could have on the wells in the area.

Gary Heisey – Ebenezer Road; Heisey’s Diner

Mr. Heisey said he thinks there has to be something that was done last year which was not being done this year with the chicken farming. Last year the deck seating was able to be used at the diner and this year he lost deck customers due to the unpleasant odors.

Robert Hoffman – Ebenezer Road

Mr. Hoffman said the odor problems started around the 4th of July. The odors started around then and continued the rest of the summer. He had a huge problem with the large green flies. Another thing he noticed was the feathers from the large fans which looked like a large cloud. Hoffman asked Sol Wolf if Kreider was required to install a retainer of any kind which would catch anything that might get released during the chicken transfer process. It would seem something should have been required due to the stream on the property. Sol Wolf replied state DEP would be the agency that would have addressed those types of problems.

Suv Brensinger was asked by Barondick to offer some of his opinions on this issue. Suv Brensinger described a practice called “tunnel ventilation” which is pulling the air from one end of the building to the other end with the large fans. Why the fans are discharging to the north is something he does not understand, especially with prevailing winds being northwest. Suv Brensinger said he would have to see some of the practices being used by the Kreiders. If the litter is too wet a strong ammonia smell will occur. The litter should be kept as dry as possible. These are a few of the thoughts he has had while this topic is being discussed.

Chm Miller said he would like to have a letter drafted to the Conservation District outlining all the issues discussed here tonight. Also a letter addressed to the appropriate state agency concerning the stream in the area where manure is being spread. He would like to have Mgr Grumbine, as well as the Board members’ signatures on both of these letters. Furthermore, he would like copies of both the letters to be sent to Rep Rose Marie Swanger and Senator Mike Folmer.

E.) Kevin Rile – Harmony Hill; Personal Care Home

Mr. Rile told the Supervisors he currently resides on Harmony Hill. He also owns a property located at 409 W Main Ave in Myerstown. This house serves as a personal home care for 6 residents. Mr. Rile told the Board that for a variety of reasons he is looking to remove the personal home care facility from the Myerstown location and would like to relocate at 1010 Harmony Hill, which is in foreclosure as of this point in time. However he does not wish to make a purchase such as this without knowing if he would be permitted to have this function as a personal home care facility. Rile stated he has met with Song Kim, of Lebanon County Planning Dept, to discuss the location and what the permitted uses would be. Rile has also spoken to all his neighbors and none have voiced any type of objection to this use of 1010 Harmony Hill.

Chm Miller looked to Sol Wolf for his opinion on this topic. Sol Wolf told Mr. Rile he would like to schedule a meeting with Song Kim of County Planning, Mr. Rile and himself to go over all the requirements that Rile would need to meet in order to have this use happen for this particular property. Rile explained to Sol Wolf he is not comfortable making an offer on this property until he knows for sure he will be able to use it for a personal care facility. Sol Wolf suggested that Rile offer a sales agreement offer contingent upon being able to use the location for this purpose.

Mr. Rile said there are several issues he has to address before he can even get an inspection for the home in order to obtain his permit for the facility. Sol Wolf said he still thinks the 3 of them need to meet to discuss what needs to be accomplished. Sol Wolf provided his phone number to Rile so he could schedule a meeting.

F.) Robert Hoffman – Ebenezer Rd

Mr. Hoffman told the Board he would like to see the Board encourage the New Covenant Christian School located on Ebenezer Rd to provide traffic control in front of the school building during the hours of coming to and from school. The buses and the parents driving in and out of the facility create a problem, in Hoffman's opinion. He told the Board that when it was the Ebenezer School there had been a traffic person and there should be one there now also.

The Board stated they were not sure whether they could require traffic control or not. Chm Miller said he will ask Chf Easter to communicate with the administrator of the school to share the concerns about the traffic issues. Chf Easter stated that as a private school NCCS is not permitted to hire a traffic control person. First responders, the Fire Police or Twp Road crew could act as traffic control as long as they are certified in that particular area. Hoffman repeated that something should be done as the traffic gets bottlenecked in the area every morning and afternoon during school season.

Martin Barondick told the Board that while the discussion about the NCCS is being held, he would like to add a pet peeve of his own. He has been trying for several years to get this school to fly the American flag as a show of respect to all who have given their lives in protection of this country. Every time a new administrator is appointed at the school he discusses this issue with them. Barondick said he thinks it is very poor taste that this school refuses to fly our flag. He continued on to explain a monument that had resided in front of the Ebenezer School for many years while it was a public school. When NCCS decided to remove the monument, Barondick told the Board that Mgr Grumbine was instrumental in helping him to get the monument relocated to another location. The monument is displayed at Lions Lake Park. He would like the Board to make some sort of attempt to get this school to display the flag as a show of respect.

Fire Hydrant Located on Long Lane

Another concern expressed was the enforcement of a fire hydrant located at the Long Lane fields/NCCS. Bob Hoffman asked why the "No" parking is not being enforced. The fire hydrant is continually blocked due to parked vehicles. When mention of painting the curb was made it was agreed that the painting would not stop the parking problem. The only thing that would stop that problem is citations.

Fire Hydrant Located on Long Lane (con't)

There are weeds growing all around the hydrant that should be cut back. Suv Brensinger told Mr. Hoffman the trimming of the weeds is a Lebanon Authority issue as the tax payers of NLT pay a fee for the Lebanon Authority to maintain the fire hydrants.

APPROVAL OF MINUTES

MOTION was made and seconded to approve minutes from the meeting of August 20, 2012. Motion was unanimously carried.

APPROVAL PAYROLL and PAYMENT OF INVOICES

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

FIRE CHIEF'S REPORT – Don Steiner, Sr (absent) – Weavertown Fire Co**Report Read by Chm Miller****A.) Report for Month of July/August 2012**

Chm Miller asked Mgr Grumbine to contact Station 43 and explain that the Supervisors expects that their information will be reported monthly.

Chm Miller reviewed some of the information that had been provided for the months of July and August of 2012.

CHIEF OF POLICE REPORT – Chief Harold Easter**A.) Calls for Service – Month of August**

Chf Easter reported on the activities for the month of August 2012. Chief Easter mentioned some of the individual categories for these calls of service. He reported there was a total of 847 Police-citizen contacts in the month of August.

Chf Easter referred to the discussion regarding the bus stops and the traffic issues. He reminded Ms. Steele that the license plate information and the make of vehicles are important as they can and will prosecute once the information is received.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine**A.) 2011 – 904 Grant Application (Performance Grant)**

The Twp's annual grant application to DEP is based on our performance for 2011 and has been completed. The Board is being asked to sign the application. The tonnage is broken down in several ways, Residential and Commercial. Also reported is the locations some of the Commercial tonnage is being taken to as well as the Residential that is recycled directly. The Residential tonnage totals 265 while the Commercial tonnage totals 2344.5 tons. We are anticipating an amount of \$12,767.52 for our 2011 Performance Application Grant.

MOITON was made and seconded to approve signatures and submission of the 2011 Performance Grant application. Motion unanimously carried.

B.) Award of Access Road Paving Bid – Lenni Lenape Park

The bid opening for the paving of our Access at the Lenni Lenape Park was completed on Wednesday, September 12 at 10:00AM. The Board has been provided with the results of the bid tabulation and is being asked to approve a bidder. Two bids were received for this project, Pennsy Supply and Landis C. Deck & Sons. Landis C. Deck & Sons submitted the low bid at \$19.60/sy for a total of \$14,504.00. Suv Artz asked Suv Brensinger if he was familiar with Landis C. Deck & Sons. Suv Brensinger responded it is one of the many paving companies owned by H&K (Handwerk) Company.

MOTION was made and seconded to approve the lowest bid received from Landis C. Deck & Sons for the paving access of the Lenni Lenape Park. Motion unanimously carried.

C.) Resolution 18-2012 – Destruction of Certain Municipal Records

The Auditor General's Office recently completed an audit of the Twp's Pension files. As a result of this audit Mgr Grumbine took time to clean out a lot of items based on the Twp's adopted records retention policy (Municipal Records Manual). The records are outlined in Resolution 18-2012. The Board is being asked to authorize destruction of these listed records. Chm Miller stated that as these records are in compliance with the Municipal Records Retention he would like a motion to destroy the records outlined in Resolution 18-2012.

MOTION was made and seconded to adopt Resolution 18-2012 which allows for destruction of the outlined records. Motion unanimously carried.

D.) Park & Recreation Appointment – Kay Spannuth

The Park & Recreation Board are recommending the appointment of Kay Spannuth to fill a vacant position. The term will run until 12/31/2014. During the meeting last month this appointment had been tabled so that the Supervisors could receive all information pertaining to this position. The Board had received a Memo prior to the meeting with information regarding this appointment.

MOTION was made and seconded to appoint Kay Spannuth to the Park & Recreation Board with the term expiring on 12/31/2014. Motion unanimously carried.

E.) Resolution 19-2012 – Meeting Procedures & Guidelines

A policy listing meeting procedures has been drafted per a request from the Supervisors. The policy is based on the requirements of the PA Sunshine Act and amended for the conduct of the meetings. The policy outlines the minimum agenda items, Public Comment period, authority given to the Chairman of the Board when residing over the meeting, time allocated for public comment period, use of certain recording devices, sign-in requirements and Executive Session announcement. Chm Miller explained that this policy is not changing the method of the Twp conducting business. It is just putting the policies in print so that the public may know what to expect when attending the meetings, some will be attending for the first time. He said this policy will be placed on the website for the public to view. Chm Miller shared comments on the changes he had also requested be made to the agenda and attendance sheet.

MOTION was made and seconded to adopt Resolution 19-2012 establishing guidelines for the NLT meeting procedures. Motion unanimously carried.

F.) Dates for Budget Workshops

As the dates for the budget meetings must be advertised the Board is being asked to provide agreeable dates to Mgr Grumbine to allow for the advertising to be done. The following dates were agreed upon Oct 1 @ 8am, Oct 15th following the scheduled Board meeting, Nov 7th @ 6:30PM and Nov 8 @ 9AM.

MOTION was made and seconded to approve Monday, Oct 1st @ 8AM; Monday, Oct 15th following the Board meeting; Wednesday, Nov 7th @ 6:30PM (with possibility of time being modified) and Thursday, Nov 8th @ 9AM. Motion unanimously carried.

G.) CD – Jonestown Bank; Signature Card

The Board is being asked to affirm the CD that was rolled over on the Bank's standard Resolution form. Authorization of Board members and Secretary signature is also needed.

MOTION was made and seconded to approve the Resolution for Jonestown Bank and authorize the signatures for Board members and the Secretary. Motion unanimously carried.

H.) Pertinent Issues

1.) CLSD Regional Comp Plan Update: PC Joint Meeting October 4th – This is a reminder about the Joint Meeting for Planning Commission members of all the municipalities to discuss and take action on the CLSD Regional Comprehensive Plan. The meeting is at 6-8PM on Thursday, October 4, 2012 @ South Lebanon Elementary School.

2.) Insurance Service Offices Letter – A letter was received at the Twp from ISO with information of a visit to the Twp to gather information needed to determine a fire insurance classification that may be used in the calculation of property insurance premiums. Their representatives will collect data about many items and features that will make up their overall evaluation for North Lebanon Township. They will study the water supply and distribution system, including some actual hydrant flow tests. In gathering information regarding the fire departments they collect data including manning, equipment and training. They will also study the means for receiving and handling fire alarms.

Chm Miller questioned if this process had been done previously in the Twp. Mgr Grumbine replied the fire companies had asked to commence on a study by ISO about 5 years ago but the data from the fire companies was not completed. Once the completed report is received it will be made available for public review.

3.) Knox Box Update – First Round due 9/11/2012 – The first round of mailings regarding the installation of a Knox Box was due September 11, 2012. Five of those businesses are currently in the process of coordinating installation of the Box with the respective Fire Chiefs. We have four that have not ordered a Box as of yet and three that have not made contact with the Twp in anyway. All of the other businesses in the first round have been installed and verified by the Fire Chiefs. The Board is being asked what they would like to see as the next step for the 4 businesses that are now in non-compliance. Mgr Grumbine reminded the Board that part of the Ordinance is an annual update to the registration process. The businesses are required to complete and submit the information to the Twp by January 31 of each year. The businesses are reminded that the phone numbers must be for contact people available 24/7 in case of emergencies.

A discussion was held about which businesses are required to install Knox Boxes. Mgr Grumbine stated there is a definition on the Ordinance which is available on the website. A question was raised about the security of the keys located within the Fire equipment that opens the Knox Box. Chm Miller explained some of the thought that was used when drafting this Ordinance. Neighboring municipalities also have an Ordinance in place similar to NLT's Knox Box Ordinance. Some discussion followed about what would be the best method to follow for the non-compliant businesses. Sol Wolf suggested he draft and mail a reminder notice to the 4 businesses including consequences concerning non-compliance. The Board indicated their agreement to Sol Wolf's suggestion.

SOLICITOR'S REPORT – Sol Frederick Wolf**A.) Resolution 20-2012 – Tax Collector Pay & Duties**

Sol Wolf explained that although NLT does not have an individual Tax Collector currently, should someone express an interest or be nominated, the person will know what is expected when accepting this position. The Resolution outlines all requirements and services that a Tax Collector would be expected to follow.

MOTION was made and seconded to adopt Resolution 20-2012 outlining duties and responsibilities for a Tax Collector. Motion unanimously carried.

B.) Rockwood Sewer Project Update – Closing with PennVest

The closing with PennVest has finally taken place reported Sol Wolf. A pre-construction meeting has been held.

Rockwood Sewer Project Update – Closing with PennVest (con't)

The meeting was mostly coordinating all the various crews and what communications were expected. The contractor was asked to complete borings to pinpoint exactly where the current utility lines are located. These construction meetings will continue to be held throughout the project. The construction period is expected to last from this fall through the summer of 2013. Suv Brensinger asked about the type of manholes that had been discussed during the pre-construction meeting. Due to the nature of the specific type of manhole, a lengthy delay due to ordering time was talked about. Suv Brensinger said he felt strongly the project should not be delayed due to the ordering time involved with these special order manholes. He was curious if the Authority had resolved this issue. After some discussion Suv Brensinger said he would contact Scott Rights to get an update on this issue.

C.) Personnel Manual

Sol Wolf told the Board that they will be reviewing the draft of the Personnel Manual in Executive Session for the next couple of months. Once the Manual is agreed upon it will be placed on the Agenda for Supervisors action. A lengthy discussion took place about who is responsible for authoring the Twp Personnel Manual.

D.) Act 37 – Ambulance Service

Sol Wolf told the Board he has nothing new to report on Act 37.

E.) Sholly Avenue Swale Issue – Letters Mailed to 8 Townhouse Unit Owners

A letter had been sent to the 8 Townhouse property owners regarding the Board's decision on helping financially with Engineering costs dependent upon the property owners agreeing unanimously on a single contractor to complete the whole construction project. As of this date there has been no response from any of the owners.

F.) The Crossings @ Sweet Briar – Sweet Briar Land Group

At the time of the Subdivision Plan for the Crossings a Park & Rec agreement had been signed by Landmark Homes. Since that time the name of the developer has been changed to Sweet Briar Land Group. Sol Wolf has drafted an addendum to the agreement now naming Sweet Briar Land Group as the developer and is asking the Supervisors to take action on signing the addendum to the original Park & Rec agreement.

MOTION was made and seconded to approve signatures on the addendum to the Park & Rec agreement for Sweet Briar Land Group. Motion unanimously carried.

COMMENTS FROM BOARD MEMBERS**A.) Suv Brensinger – Kimmerlings Road Widening Project; Letter to Met Ed**

Mgr Grumbine and Roadmaster Brensinger drafted a letter to Met Ed concerning electric poles that would need to be relocated due to the future road widening project. Suv Brensinger said it takes a lot of letter writing and reminders to get this type of project completed.

Chm Miller announced executive session will be held following this business meeting for personnel & litigation matters and with no further business to discuss the meeting was adjourned.

Respectfully Submitted,

Theresa L. George
Recording Secretary