

**MINUTES  
NORTH LEBANON TOWNSHIP  
BOARD OF SUPERVISORS  
MARCH 18, 2013**

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
Attorney Tom Harlan	Henry & Beaver LLP

Absent: Solicitor Frederick S. Wolf                      Henry & Beaver LLP

Also in attendance was Fire Chief Brian Vragovich of Glenn-Lebanon Fire Co and several other individuals. The meeting was called to order and the pledge to the flag was done.

**COMMENTS FROM THE PUBLIC**

**A.) Melissa Rambler – Ebenezer Elementary School 5K and 1 Mile run**

Ms Rambler informed the Supervisors she is representing the Parent Teacher Assoc for Ebenezer Elementary School. They are hosting a 5K and 1 Mile Run to be held on Saturday, April 20. An explanation was given about the run and the timing of the events to take place. This is the second year for the run to be scheduled. Ms Ramble is here tonight to ask that a portion of a few Twp streets be temporarily closed to traffic during the morning of April 20. It would be approximately 1 ½ hours total for closures.

Steve Beard, who is also involved with the planning of the run, was in attendance to explain the timing and the method that would be used to barricade the traffic from Ashton Drive to Horizon Blvd for approximately an hour and a half. Mr. Beard explained that they would like to place barricades on Route 72 (Jay St) to Ashton Drive area so that motorists can use the Jay Street parking area to turn around if needed. Also any property owners in the area will be issued “pass cards” that will allow them to have access to their homes.

Suv Artz questioned Ms Rambler if she has been working with Chf Easter on the road closure request. She replied yes they have communicated with Chf Easter. Chm Miller asked Chf Easter for his opinion. Chf Easter remarked the plan is certainly doable. Suv Brensinger expressed concern that this is not the first day of fishing season. He was told that fishing opens March 31 weekend.

**MOTION** was made and seconded to approve and assist the road closure for the streets and times mentioned in the request letter for April 20, 2013 to conduct the Ebenezer Fun Run and 5K Run. Motion was unanimously carried.

**B.) Harold Heim – Briar Lake**

Mr. Heim addressed the Board with information about a problem the residents of Briar Lake are experiencing, himself in particular.

**Harold Heim – Briar Lake (con't)**

The wildlife in the area has settled in the area due to people feeding the wildlife. He said he is speaking about the ducks and geese. His problem is with ducks. A pair has taken up daytime residence on his rooftop and ridge vent. Mr. Heim expressed his concerns about the damage this is going to create for him as a property owner. Mr. Heim has received advice from the Wildlife Commissioner for this particular district. Information was provided to Heim to help him “drive” the ducks away from this area. The hope is that the wildlife will settle at another location.

The Supervisors questioned Heim about the feeding of the wildlife. Heim responded there are a few residents who live within Briar Lake that are feeding the ducks and geese. He told the Board that he has spoken to Mr. McCarthy who is a member of the Briar Lake Association. McCarthy has told Heim that a written directive will be issued stating that feeding of the wildlife will not be permitted within the community. However Heim’s problem is immediate and he wants to start “driving” the ducks away from his home now.

Heim asked for approval to begin harassing the wildlife by shooting blanks at intervals throughout the day. A loud noise will startle the ducks and scare them away. Repetitive shooting will give them the message they are not welcome here and hopefully will relocate to another area. The Supervisors questioned Mr. Heim about the type of weapon he is talking about and whether or not the Twp Ordinance prohibits this type of activity. When asked, Chf Easter stated that the shooting of blanks would be accomplished by using what is considered a “weapon”. The Twp Ordinance prohibits the use of firearms. Much conversation followed about the Ordinance and the difficulties Mr. Heim would encounter if he is not permitted to use this method of “harassment” to drive the wildlife away.

Chm Miller said he feels somewhat uncomfortable with allowing this use of a firearm when the Ordinance prohibits it happening. Suv Brensinger stated there is no projectile emitted when using blanks. Any other option would be quite costly and he feels Mr. Heim should be permitted to try to preserve his property. Chm Miller asked Heim if he was planning to use a pistol or a shotgun. Heim replied he was going to use a shotgun that he owns. Suv Artz stated he agrees that Heim should be permitted to protect his property however he has mixed feelings about going against the Ordinance. The Supervisors discussed the various issues involved with Mr. Heim’s request. Heim was asked if he has contacted his neighbors about his suggestion to use a shotgun for shooting the blanks. Mr. Heim said he plans to visit all his neighbors but he wanted to get the Board’s permission first.

Chm Miller suggested that a definite time limit be placed should they agree to Mr. Heim’s request. Suv Artz and Brensinger agreed with his suggestion. Chm Miller said he is still uncomfortable but will go along with this idea if a time limit is agreed upon. Mr. Heim was instructed that he should contact all his neighbors to inform them of his plan before he starts the shooting. Chf Easter was asked to inform the Officers and the 2 secretaries of the times he would be “harassing” the ducks. Another requirement is that there would be no shooting on a Sunday and the shooting will only occur between the hours of 9 am and sunset. Chm Miller requested Chf Easter contact County EMA to be informed of Heim’s intentions. Suv Artz requested that Mr. Heim return and report to the Supervisors. Mr. Heim agreed to Suv Artz’s request.

**Harold Heim – Briar Lake (con't)**

**MOTION** was made and seconded to approve the “harassment” of the ducks and geese located at Briar Lake community by the firing of blanks between the hours of 9 am and sunset with no shooting activity on Sundays. Also all neighbors must be notified as well as EMA and the NL Twp Police Department. A time limit starting March 19 and ending April 15, which is the next Board meeting, is set for this harassment activity. Motion was unanimously carried.

**APPROVAL OF MINUTES**

**MOTION** was made and seconded to approve minutes from the Supervisors meeting of February 18, 2013. 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 – Brian Vragovich – Glenn-Lebanon Fire Co****A.) Monthly Summary for NLT Fire Companies**

Brian Vragovich of Glenn-Lebanon Fire Co gave a summary of activities for all 4 Fire Companies for February of 2013. There were a total of 2100 feet of various sized hoses pulled during February. A total of 48 responses to calls for service were logged with a breakdown of some of the responses as follows: 14 emergency calls, 17 assists, 9 trainings and 8 mutual aid calls. A total of 444.59 volunteer hours/minutes were logged.

**B.) Training Sessions**

Chf Vragovich reported to the Board on the Training opportunities the fire companies have planned for 2013. He stated they had purchased 200 hours of training time for the price of \$800 from Bucks County. These training sessions would be used throughout the year of 2013. In February every member of the 4 companies had participated in an Emergency Driver Safety Training. After the lecture portion of the session, every fire company member in attendance took an obstacle course driving exam. Everyone passed the exam with no difficulties. The course had been set up at the Lebanon Valley Mall parking lot in front of the former Ames store.

Martin Barondick questioned Brian about the UREA system. He asked what the fire companies know about this type of system. Brian replied it is a fairly new issue that is beginning to be spoken about. Barondick asked if they have had any safety training pertaining to this system that is installed on tractor trailer trucks. Brian stated that to date the answer is no. It is possible that the topic will be covered under their hazardous training sessions that NL Twp will be hosting. The proper term being used for this type of system is DEF (Diesel Exhaust Fuel) system. Brian told Barondick that he will be bringing up this topic at their training session. Chm Miller asked Brian to report back to the Board after the training session takes place as he would like to hear more about this topic.

**C.) Glenn-Lebanon Fire Truck**

Chm Miller asked Brian if Glenn-Lebanon’s new truck has been placed in service yet. Brian stated that a meeting had been scheduled for this evening but had been cancelled due to the weather conditions. He is expecting that the changeover of equipment from the old truck to the new truck will happen in the next week or so.

**CHIEF OF POLICE REPORT – Chief Harold Easter****A.) Calls for Service Report – Month of February 2013**

Chf Easter reported on the activities for the month of February 2013 and mentioned some of the individual categories for these calls of service. He reported there were a total of 261 Police-citizen contacts for the month of February with a total of 10,000+ miles logged on the cruiser cars.

**TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine****A.) Award of Paving & Fuel Bid**

Bid opening was held on March 13 and the following results were tabulated:

**Paving Bids**

Project 1-Rd Maintenance	Project 2-Lenni Lenape Park	Total Projects
Pennsy Supply - \$229,662.00	Pennsy Supply - \$19,299.25	\$248,962.15
Reading Materials - \$236,976.90	Reading Materials - \$16,473.00	\$253,449.90

As low bidder a contract was drafted for Pennsy Supply for the Board to sign once action has been taken to award the bid.

**MOTION** was made and seconded to award 2013 Paving Bid to Pennsy Supply as low bidder at the pricing of \$248,962.15. Motion was unanimously carried.

**Fuel Bids**

	Leffler Energy	Meyer Oil	Talley Petroleum
15PPM ULSD Hwy Diesel (Delivered to Twp)	\$3.3026/gal +.05 gal winter additive	\$3.2875 +.03 gal winter additive	\$3.2392

As low bidder a contract was drafted for Talley Petroleum for the Board to sign once action has been taken to award the bid. A question was asked pertaining to the winter additive for Talley Petroleum. Suv Brensinger said that it is included in the pricing quoted.

**MOTION** was made and seconded to award the 2013 Diesel Fuel Bid to Talley Petroleum in the amount of \$3.2392 per gallon. Motion unanimously carried.

**B.) Resolution 11-2013; Destruction of Certain Municipal Records**

As per the Municipal Records Retention Manual, Resolution 11-2013 has been prepared to allow for the destruction of certain records. This activity is done annually to eliminate unnecessary records being maintained. Chm Miller questioned if we send the documents out to be destroyed. He was told, no, the shredding is done in-house. He next questioned if any of these documents are maintained on film. Again he was told, no. There are no documents that are kept in film storage.

**MOTION** was made and seconded to adopt Resolution 11-2013 for destruction of certain Municipal Records according to the Retention Manual. Motion was unanimously carried.

**C.) Resolution 12-2013; Appoint 457b Committee & Adoption of IPS**

During the February meeting a change was approved for an Investment Advisor and Custodian for the Employee 457b Plan. Resolution 12- 2013 appoints a 457b Committee and approves the Investment Policy Statement recommended by the Committee Members. The Board is being asked to adopt Resolution 12-2013. Chm Miller asked if there had been any other volunteers to sit on this Committee, such as the WasteWater Dept. He was told that when this is discussed with the employees, they will be given the opportunity at that time should anyone else desire to join the Committee.

**MOTION** was made and seconded to adopt Resolution 12-2013 pertaining to the 457b plan. Motion unanimously carried.

**D.) Appointment of EMC Liaison for EOP & NARMS Manual**

Emergency management coordinators Ron Miller and Dave Kreider attended the February meeting to discuss the County Emergency Operations Plan. It was their recommendation to adopt the County EOP and the Twp could then prepare our own NARMS (Notification & Resource Manual). As part of the conversation it was recommended the Emergency Operations Center, which was constructed as part of the building expansion several years ago, be completed. Ron Miller asked that the Board appoint a liaison to work with the Twp EMC and the Police Dept representative (Det. Lauver) to prepare the NARMS and complete the EOC. Chf Easter has suggested that there be quarterly meetings with all Emergency Services (Fire, Police, EMA and Twp EMC) be scheduled to better prepare the Twp.

Chm Miller queried the need to adopt the County EOP. Is the County plan more inclusive than what the Twp's would be? Suv Brensinger replied the two plans would mirror each other as the Twp would follow the County Plan in the event of any disaster/emergency. After a lengthy discussion it was decided Suv Brensinger would act as the liaison for the Supervisors.

**MOTION** was made and seconded to appoint Suv Ed Brensinger as the liaison in order to coordinate with Ron Miller, Dave Kreider and Det Lauver the drafting of the Twp's NARMS and complete the Emergency Operations Center. Motion unanimously carried.

**E.) Out of County Protocol for 2008**

This issue is tabled until the April meeting.

**F.) Knox Box Notification to Remaining Businesses – Round #5**

In February Theresa met with the Fire Chiefs to review the remaining list of businesses in the Twp to receive Knox Box notifications. The group reviewed each business on the list and the Fire Chiefs confirmed all businesses should receive a notice to install the Knox Box per Twp Ordinance. This will be Round 5 of mailings to go out and will be the final round. The notices will be mailed to those on the list following approval by the Supervisors. A discussion followed about some of the specifics regarding some of these properties. Some of the properties have multiple structures on the property. An example being Blouchs, they received a notice for the mini mart but have not received notice for the other 2 buildings on the property, Utz and the District Judge's building will need to be brought to Blouchs attention.

A question was raised about the 2 businesses in the Lebanon Valley Mall which have not cooperated with the Mall's lockbox procedure. Chm Miller asked Theresa how these 2 businesses will be dealt with.

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**Knox Box Notification to Remaining Businesses – Round #5 (con't)**

Theresa explained that when this issue was discussed it was determined that a letter should be mailed to the corporate offices to insure that the head office is aware of the local branches non-compliance. At this time the letter would be an informational reminder as the deadline has not been reached yet. Chm Miller requested that the notices to the corporate offices be mailed certified and the local branches be photocopied so that written proof is received for receipt of the mail.

Martin Barondick asked what would happen if these 2 businesses decide to fight the Ordinance. What then? Attorney Harlan was asked to speak to this question. Attorney Harlan stated the avenue pursued would be dependent on the way the Ordinance is written. The penalty was read from the Ordinance which contains several options to pursue. Attorney Harlan said it is something that would be discussed at the time it occurs.

**MOTION** was made and seconded to approve the March 18<sup>th</sup> listing of businesses, noted with a yes, be mailed a reminder of compliance for the Knox Box Ordinance. Motion was unanimously carried.

**Round #2 Knox Box Notifications**

A list of 22 businesses that had received notifications and are now past due has been provided to the Board. Mgr Grumbine said she wanted the Board to be aware of the names that are on the list as they are apartments and churches.

**MOITON** was made and seconded to approve mailing a notice to the Round #2 listing stating compliance is necessary or legal action will be pursued. Motion was unanimously carried.

**G.) Engineering Issues; YardWaste Expansion – Ballfield Replacement Area**

A Grant award from DEP was accepted by the Supervisors at the February meeting. The Grant will be used to expand the current YardWaste Facility. Due to the proposed expansion project the upper ballfield will be lost and a replacement area should be determined. Suv Brensinger has already discussed this issue with Union Canal Baseball and Softball Association President. Ass't Mgr Wartluft, Mgr Grumbine and Suv Brensinger completed a walking tour of the existing N 8<sup>th</sup> Avenue field areas to determine if there is a possible location for a small ballfield and additional parking area. The storm water issue for this area is also being recommended to be addressed. The Board is being asked to authorize the three of them to work with an engineering firm, UC Association and the Twp Park & Rec Board to come up with a location for a small ballfield, parking area and the best solution to drain the stormwater from the yardwaste expansion project down to an existing basin/swale. A drafted design would then be brought back to the Board for a review.

Chm Miller asked if an exact location for a new ballfield and parking area was determined. Are they thinking the corner of N7th St and N 8<sup>th</sup> Ave would be the location for another parking area? Suv Brensinger replied that the people already use that area for parking. It is not a specified parking lot and there are no definite spaces defined but it is used for parking during the sporting events. It is his opinion that additional parking is still needed.

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**Engineering Issues; YardWaste Expansion – Ballfield Replacement Area (con't)**

Suv Brensinger stated that once a certified Engineer reviews the area and completes some conceptual drawings, we will have a better idea of what will work and maybe will not work. He also remarked the stormwater issues definitely need to be reviewed and a solution designed. He told his fellow Supervisors that there are many newer ideas for stormwater other than deep retention areas such as underground disbursement

**MOTION** was made and seconded to approve communicating with an Engineer to create some conceptual drawings for a new ballfield, additional parking area and solution to stormwater issues. The drawings will be brought back to the Board for review. Motion unanimously carried.

**H.) Pepper Spray Policy – Training Held 2/26/2013; Resolution 13-2013**

Chf Easter has provided training for the use of pepper spray to the Administrative staff. An additional item was placed in the Policy, (item 2.B.i.) which refers to a retreat being the first action to be implemented. Sol Wolf has prepared Resolution 13-2013 which adopts the Pepper Spray Policy and provides for its inclusion in the Personnel Manual. The Board was told that all 6 members of the office staff were involved in the training.

**MOTION** was made and seconded to adopt Resolution 13-2013 outlining a Pepper Spray use Policy which will be included in the Personnel Manual. Motion unanimously carried.

**I.) Regional Comp Plan – 8 Items for Direction**

On March 7<sup>th</sup> a Public Hearing was held at the Cedar Crest High School regarding the Regional Comprehensive Plan. Two of the ten items were agreed upon during the meeting. The remaining 8 items are to be discussed individually by the Board and direction provided so the consultant can continue to finalize the Comp Plan for adoption. Each item must be discussed and direction given individually. The Board has also been provided with a Preamble which is to be reviewed also.

Chm Miller voiced his preference to not have any discussion on the Preamble issue at all tonight. Suv Brensinger stated that he is not in favor of the West Cornwall version of the Preamble, but was OK with the Preamble from the consultant with a few minor “tweaks”. Suv Artz stated he is in agreement with his fellow Supervisors to table discussion on the Preamble that has been provided for their review.

Mgr Grumbine offered an explanation of what is expected from the Supervisors this evening. The Board is not being asked to take action on the Regional Comp Plan. They are being asked to review the 8 items outlined by Michelle Brummer and discuss each item one by one. North Lebanon Township is then to forward their final comments to Michelle. Each item is stated in the original form from the draft of the Comp Plan. The middle column shows comments being offered as an option for revision and the third column identifies who or what group suggested the revision.

The Supervisors read through each item one at a time discussing their opinions as each item was reviewed. After discussion a decision on each item was offered. The Supervisors’ responses to forward to Michelle Brummer of Gannett Fleming were as follows:

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**Regional Comp Plan – 8 Items for Direction (con't)**

Item 1 – Chamber suggestion “Preserve the unique qualities and characteristics of rural villages and towns and significant sites”.

**Unanimous approved motion for wording to read “Protect natural and sensitive environmental resources” and “Preserve the unique qualities and characteristics of rural villages and towns and significant sites”.**

Item 2 – No revision needed.

**Unanimous approved motion for wording to read “Allow development that is conservative-oriented in the Planned Conservation Area”.**

Item 3- No revision needed.

**Unanimous approved motion for wording to read “Within this area (the Planned Conservation Area), municipal policies and regulations should:**

- **Minimize forest fragmentation and restore forest connectivity, especially on South Mountain (the Highlands).”**
- **Conserve prime farmland soils for Agriculture and other open space uses.”**
- **Preserve lands in large contiguous blocks.”**

Item 4 – The Board was in agreement to defer this item to the applicable municipalities as North Lebanon is not applicable.

**Unanimous approved motion to defer to applicable municipalities where South Mountain is located.**

Item 5 - The Supervisors were in agreement no revision was needed for this item.

**Unanimous approved motion for wording to read “Enact Conservation by Design provisions in zoning and subdivision and land development ordinances to protect natural resources.”**

Item 6 - The Supervisors were in agreement no revision was needed for this item.

**Unanimous approved motion for wording to read “Woodland conservation and preservation is active at the County level but is supported by private, non-profit entities, e.g. the Lebanon Valley Conservancy, and state and federal programs; letters of support would increase the competitiveness of local applicants for limited conservation and preservation funds .” It was questioned whether the original comment contains a typo word “not”, which should be removed.**

Item 7 - No need to comment as this item was decided at March 7 Joint Public Meeting.

Item 8 - No need to comment as this item was decided at March 7 Joint Public Meeting.

Item 9 - The Supervisors were in agreement that the wording “consider adoption of the same for all waterways and waterbodies” should be removed.

**Unanimous approved motion to approve wording “Adopt riparian buffer ordinances when and where required by state and federal law.” Delete the words “consider adoption of same for all waterways and bodies”.**



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**Regional Comp Plan – 8 Items for Direction (con't)**

Item 10 - The Board was in agreement to defer this item to the applicable municipalities as North Lebanon is not applicable.

**Unanimous approved motion is to defer to applicable municipalities where South Mountain is located.**

A lengthy conversation took place regarding the Public Hearing that had been held on March 7<sup>th</sup> and the speakers who had comments to make that evening. Chm Miller remarked on the good attendance from all municipalities. Bruce Sattazahn offered a comment on the lack of a good public address system. He felt that a meeting of this importance warranted a good speaking system to insure that everyone in attendance could hear.

**J.) Pertinent Issues**

1. Tire Collection – April 12 - FYI the Penn State Extension office is holding the Annual Tire Collection at the Expo Center & Fairgrounds on Friday, April 12 from 8AM to 6PM. Pre-registration by March 28<sup>th</sup> is recommended. The form is available on the Twp website and should be faxed to Phil Hall or can be emailed to Phil Hall as directed on the pre-registration form.

2. Notification from LEMA – Security & Fire Alarms - Notification was received from Dan Kauffman – LEMA stating that they will no longer provide security and fire alarm systems monitoring. A contract has been made with Yarnell Security Systems. The change becomes effective April 1, 2013. To date no invoice has been received. We will request to have the free inspection of our alarm system performed per their offer.

3. Annual Planning Commission Report for 2012 – This is a report showing attendance for the 12 meetings, a summary of the plans they have discussed and recommended. Also mentioned is the Zoning Hearing Amendment recommendation made in 2012.

4. Fire Escrows – The fire Escrow information has been received for the Tunnel Hill Road and the N 7<sup>th</sup> Street properties.

**SOLICITOR’S REPORT – Reported by Attorney Tom Harlan****A.) Sahonic Settlement Rescheduled for March 28<sup>th</sup> @ 11:00 AM at Henry & Beaver**

Attorney Harlan confirmed the date of March 28<sup>th</sup> for settlement of the Sahonic property located on E Old Cumberland Street area.

**B.) Bylaws & Declaration Amendments Received – Review in April**

Attorney Harlan stated he had briefly reviewed the revisions the Briar Lake Association is suggesting. He told the Board they should review and make a decision about whether or not they want to relinquish the small amount of involvement the Twp has in this community. The drafted revisions suggest that the Association would like to remove the Board of Supervisors totally from this equation.

**C.) Personnel Manual; Executive Sessions - April**

Attorney Harlan confirmed the Personnel Manual will be addressed during the month of April.

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**COMMENTS FROM BOARD MEMBERS****A.) Suv Ken Artz – Election Year**

Suv Artz informed the public that after 24 years of service he has now decided not to seek re-election. He said he feels it is time to give it up. A member from the public voiced his thanks to Mr. Artz for his service to the Township.

**B.) Suv Dick Miller**

Suv Miller commented on the Public Hearing for the Regional Comp Plan that had been held on March 7<sup>th</sup>. He remarked that all 3 NLT Supervisors were in attendance as well as 3 of the 5 Planning Commission members. He felt the meeting was well attended and that was an indication of thanks to the Committee that has worked for the last 2 or so years on this project. He spoke to his fellow Board members telling them he feels no need to rush to approve this Regional Plan. The United Nations Agenda 21 philosophy was briefly discussed.

All 3 Supervisors expressed their thoughts that this Regional Comp Plan has nothing whatsoever to do with the Agenda 21 program. The next Public Meeting is being scheduled for June of 2013 and he would encourage anyone who is thinking about attending to do so.

Bruce Sattazahn suggested that before the next meeting a request should be made to have a public address system used during the meeting. If the public is going to take the time to attend the meeting, they should be able to hear what is being said. All 3 Supervisors indicated they were in agreement with this remark.

With no further business to discuss the meeting was adjourned.

Respectfully Submitted,

Theresa L. George  
Recording Secretary