

**MINUTES  
NORTH LEBANON TOWNSHIP  
BOARD OF SUPERVISORS  
SEPTEMBER 16, 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
Solicitor Frederick S. Wolf	Henry & Beaver LLP

Also in attendance was Bruce Kohr of Matthew & Hockley Assoc, as well as other several individuals. The meeting was called to order and the pledge to the flag was done.

**COMMENTS FROM THE PUBLIC**

**A.) Baseball Association; Batting Cages – Steve Beard**

Steve Beard, President of the Ebenezer Baseball/Softball Assoc, introduced himself to the Board. He explained to the Supervisors he is here to ask approval for the Association to make some improvements to the batting cages located at the Long Lane/ John Lyter athletic fields. The netting is definitely in a state of disrepair. The Association would like to modify the design by adding some railroad ties or landscape timber, maybe 2 high, to the outside of the cage and have the netting placed inside the timbers. Stone hauled in for the surface inside the cage and then “skimmed” out with Twp equipment. They would like to have an actual pad for the batter to stand on inside the batting cage.

Beard told the Board he is asking approval from them before the Association prepares their budget. The Association has a list of improvements they would like to complete. However they will have to see how their budget for the 2014 baseball season holds out. Beard assured the Supervisors the Association is expecting to complete the work being requested with no financial assistance by the Twp, only the use of Twp equipment for stone as previously stated would be requested.

Suv Brensinger told Beard that he would prefer the use of landscape timbers as opposed to railroad ties due to the creosote contained in the railroad ties. He told Beard that once the project gets started that the Twp would haul any stone or gravel that might be needed for this project. Suv Brensinger stated that he is sure there may be other ways the Twp could assist in this project, such as the excavating. Beard told the Board he appreciates the offer and is happy the Association and the Twp are able to work together to complete these projects.

**MOTION** was made and seconded to approve the requested improvements Steve Beard discussed regarding the batting cages located on the Long Lane athletic fields. Motion unanimously carried.

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**B.) Godshall & Kratz Land Development/ Planning Module – Weavertown Road**

This Land Development Plan proposes an expansion to the existing facilities. There will be additions to three of the existing structures with related stormwater facilities and associated site improvements. All requirements have been met and a letter of recommendation has been received from Lebanon County Planning as well as the NLT Planning Commission.

In addition to the Land Development Plan there is a Planning Module which needs to be approved. Letters regarding approval of capacity have been received from the NLT Municipal Authority and the City of Lebanon Authority for collection and treatment of the wastewater flows.

Bruce Kohr, of Matthew & Hockley, was in attendance to discuss the plans for expansion and the associated improvements with the stormwater designs. While reviewing some of the proposed additions, Suv Brensinger questioned if any of the older buildings will be removed once the new structures are completed. A concern was voiced about parking for employees as the plant continues to grow. Jerry Landuyt, of Godshalls, was also present to answer any questions or comments. Jerry remarked that there has been some talk about the removing one of the buildings. In answer to the additional parking question, he indicated additional areas which will be utilized for parking. A Planning Module has also been submitted regarding the water and sewer for the facility. A question was asked pertaining to a nitrogen tank being placed on the property. How is the tank to be situated and maintained? Jerry Landuyt replied that the State and Federal regulations and requirements will be followed when installing the tank. At this time he said he does not know all the details. However, he knows whatever the requirements are, they will be met.

**MOTION** was made and seconded to approve the Godshall & Kratz Land Development Plan as well as the Planning Module for an additional 30 EDU's. Motion unanimously carried.

**C.) Dean Fernsler – Tenaska Consultant**

Mr. Fernsler introduced himself to the Supervisors and explained he has been retained by Tenaska as the Community Representative. He reviewed the history of this proposed project and then proceeded to tell the Board about one definite change. The facility will now be an air cooled facility as opposed to a water cooled facility. This change in design will also be realized by a smaller sized structure that will be needed. Fernsler stated that at this point in time there is nothing new to report. Tenaska has started the lengthy process by applying to DEP for air quality permits. There are still many steps to the procedure before any timeline for construction can even be discussed.

Suv Brensinger asked about the air quality permits being applied for. He questioned if that is the normal procedure, to apply with DEP before any approvals are received from the municipality? Mr. Fernsler replied this is standard procedure. The air quality permit is significant to the municipality that is being considered for the location. It is not a “blanket” permit that can be used for a undetermined location.

Mr. Fernsler told the Board he is willing to answer any questions that they might have tonight or at any time during this process. He plans to make himself available to several of the municipalities in this area. A visit to Swatara has already been completed. Thanks were extended to the Board and Mr. Fernsler provided each member with information regarding the Tenaska Company.

**D.) Steve Sherk – Steckbeck Engineering**

Mr. Sherk told the Board he is here this evening to discuss three separate projects. He is here to explain some of the details and to offer a proposal of work for each project.

**1) Incremental Breach Analysis** – This first issue is concerning Lions Lake Dam and dam breast. Each year the dam is inspected and a report is submitted to DEP. After review of the report DEP then responds with a letter to the Township offering their findings. For the last 2 or 3 years DEP has been referencing a “dam incremental breach analysis”. In 2013 the letter indicated DEP’s expectation of completion of this analysis. Sherk offered a simplistic explanation of how this analysis is completed. It is completed using a 100 year flood guide as well as existing affected structures which would be downstream should the dam ever breach its capacity due to a storm or flood. DEP then uses these analyses to rate the water body /dam which is then monitored for any type of deterioration or failures.

Sol Wolf questioned if DEP has issued a final directive that this analysis be completed for Lions Lake and mandates the Twp correct any deficiencies that might be found? Sherk said the fact that the analysis has been mentioned the last few inspections is an indication that the directive will more than likely be given to North Lebanon Township. Sol Wolf questioned Grant monies for this type of work. Sherk replied there are Grant funds available. Chm Miller asked if there is a time limit expressed in DEP’s letter regarding completion of the breach analysis. Steve Sherk replied there was not a time limit in the 2013 letter from DEP. However he warned the Supervisors that a time limit is not something you want to wait to receive from DEP. The Supervisors discussed with Sherk some of the items listed in the “Scope of Work” document that had been provided to them. Chm Miller suggested to his fellow Board members that they might want to include this project during the 2014 Budget discussions that will begin in early October. Suv Brensinger asked Mgr Grumbine if there had been any line items for Lions Lake in the 2013 Budget. He said he thought he remembered this being discussed last year. Mgr Grumbine replied she would have to check on this question to make certain, as she does not recall this issue in the exact Budget.

Steve suggested the Board consider approving proceeding on the “Basic Services” steps 1 through 5 at this time which would cost approximately \$2000. That way the very basic work will be completed and the Board can make future decisions knowing these basic work steps have been completed. DEP would want to meet before the actual incremental breach analysis is completed. Steps 1 through 5 are as follows:

1. Prepare topographic map of the dam and downstream properties utilizing existing topographical information obtained from the Lebanon County Geographic Information Systems (GIS) Department.
2. Perform limited field surveying and mapping of dam breast and adjacent roadway to obtain the minimum amount of information necessary to perform the breach analysis as directed in the April 16, 2013 letter from DEP, Division of Dam Safety.
3. Estimate the existing spillway capacity based on acceptable engineering principles.
4. Conduct a meeting with the Pennsylvania Department of Environmental Protection (DEP) Division of Dam Safety to discuss existing spillway capacity and incremental analysis procedures.
5. Update profile drawings of the lake and dam breast.

**Incremental Breach Analysis (con't)**

After these Basic Services are completed a meeting with DEP would be scheduled. After some discussion the Supervisors agreed it would be good to get started.

**MOTION** was made and seconded to approve Steckbeck Engineering proceeding with the “Basic Services” steps 1 through 5 outlined in the proposal received from Steckbeck. Motion unanimously carried.

**Martin Barondick – New St** remarked on the number of times this dam breast has withstood high rains and high volumes of water. He offered his opinion that maybe the Supervisors should think about “pulling the plug” and just draining this lake. He sees it becoming a “money pit”. The last time the public outcry was because of the water table and the wells that were affected. At that time many of the affected residents drilled new wells and would not now be affected.

**2) Land Studies; SAP (Strategic Action Plan) Scope of Work** - Steve Sherk informed the Supervisors this is in reference to the Clean Water Alliance, which had formed within the last year or two. This group has been meeting periodically to discuss issues and develop a plan of action in regards to educating the public about the MS-4 program and the Chesapeake Bay initiative. There are about 18 municipalities involved in the group along with Kris Troup, director of Lebanon County Planning. The group has drafted a Memorandum of Agreement to present to their respective Supervisors and/ or Commissioners. Sherk has provided the Memorandum to the Board for their review. He stated that the group is not looking for approval or adoption at this point in time. The Board is being asked to review it and contact Mgr Grumbine with any questions and/or comments they might have.

Chm Miller questioned if this document was reviewed in comparison to the new adopted Regional Comp Plan. Is there any conflicting information between the 2 documents? Mgr Grumbine replied there is nothing in the Memorandum, which would counteract the Comp Plan. She explained the Regional Comp Plan had been designed with the MS4 Program in mind. Steve Sherk repeated that the Board is not being asked to move on this document tonight. They are being asked to read through it and comment, if they have any comments. This is an outline that the whole County will work with.

Suv Brensinger asked if the document lists the stakeholders. Sherk replied yes. That information can be found to the rear of the document.

**3) Proposal for Baseball Field Design** – This proposed work project involves more than the baseball field design. There are existing stormwater problems that are being reviewed for correction options. The expansion of the Yardwaste Facility will also affect this project. By expanding the Yardwaste facility the existing ballfield will be eliminated. The expanded Yardwaste facility will also add to the difficulties with the stormwater problems. Along with the new ballfield, a request for additional parking was made. The new proposed parking area would be located west of the Recycling building where currently a tree area exists. Due to the fact that a lot of ground will be disturbed, an NPDES permit will be required. These are all separate but related projects that Steckbeck Engineering has submitted a proposal for design work. Steve told the Board their quote for all the design work is \$14,000 and \$4,500 for any bid documents that will need to be prepared as well as project management.

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**Proposal for Baseball Field Design (con't)**

The Supervisors entered into a discussion of the various projects outlined in this proposal. Suv Brensinger told his fellow Board members that when the Yardwaste Facility Grant was submitted, the estimates and quotes he received were figured “generously” in order to ensure for any price increases. After the Facility is completed if there were to be any funds remaining he said he thinks the funds could be allocated to Engineering Services for the stormwater design. Sol Wolf cautioned the Board that Ed’s suggestion would have to be verified with the Grant administrator. There was some conversation about the stormwater problems that have been occurring to some of the neighboring properties and about taking steps to correct some of these issues. Suv Brensinger suggested that the Township might be adding to this problem but he is pretty sure Twp property is not the only cause of the difficulties for these neighbors. In the interest of being a good neighbor, we should correct the existing problem with water.

**MOTION** was made and seconded to approve Steckbeck Engineering proceeding with the required site plans for the new baseball field, parking and the stormwater design resulting from the Yardwaste Facility expansion. Motion unanimously carried.

A question was asked about a projected deadline date for these projects. Suv Brensinger said there is deadline date of end of 2014 for the Grant funds for the YardWaste expansion. That is not to say the ballfield will be finished but it will be in progress.

**E.) Brad Meyer Property – Ebenezer Road; Stormwater Issue**

In researching the files the only record that was found was in regards to a section of storm sewer pipe that had been provided by the Supervisors for replacing a section damaged during installation of public sewer. Sol Wolf reported, legally, the Twp could not require the Cemetery Assoc to do anything about this subject. A request could be made but not required. Suv Brensinger shared his thoughts that the underground pipe the residents are talking about, has deteriorated through the years. This would explain the surface water that is being seen in the area. Sol Wolf stated that as property owners they might have a Civil option with the Association that the Twp does not have. At this point the Board agreed that nothing further should be done by the Board.

**F.) Heilmandale Road; Brake Retarder Sign; Speed Limit**

This issue was discussed at the last two Board meetings with Russ Heller in attendance. At the Supervisors’ request Mgr Grumbine had contacted North Cornwall to ask about their policy regarding Brake Retarder signage. North Cornwall reported they do not have any brake retarder prohibited signs. In speaking to South Lebanon, Mgr Grumbine was told that the first step they completed was contact with PADOT to review the requested area. Once approval was received from PADOT, South Lebanon proceeded with the required paperwork, adoption of the Ordinance and then the installation of the signs. Chm Miller asked his fellow Supervisors what their feelings are on this issue. A discussion followed about the Twp being responsible for the signage on a PADOT road. The Supervisors were in agreement that for now the need for signage on Heilmandale Road should be tabled. In the future should the issue arise again, a letter will be written to PADOT at that time.

**APPROVAL OF MINUTES**

**MOTION** was made and seconded to approve the Board of Supervisors meeting minutes from August 19, 2013. Motion carried with Suv Brensinger abstaining due to his absence during that meeting.

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**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 Company****A.) Monthly Summary for NLT Fire Companies**

Chf Vragovich provided a summary report for all 4 volunteer fire companies. A total of 42 responses for service were logged for the month of August. A total of 400' ft of various sized hoses were pulled, 2 training sessions and 11 mutual aid calls were answered during this past month. A total of 261 ½ volunteer man hours were logged.

Brian informed the Supervisors about some of the recent training sessions the fire companies have been involved with. He said he is very proud of the way the four volunteer companies are now coordinating and working together to pull as a team. With the recent Phantom Box changes and some future considerations he feels this is the best the four companies have ever worked together. One of his concerns is still for daytime coverage which is an issue the Fire Chiefs are still working on. He told the Board some dates in October and November that some training sessions will be held and invited any of them to attend and watch the firemen in action.

**B.) Fireman's Picnic**

Brian reported that the Annual Fireman's Picnic was held this past Sunday. He thanked the Supervisors for allowing them the use of the park and pavilion area. There were a total of 81 in attendance and a good time was had by all in attendance.

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

Chf Easter reported on the activities for the month of August 2013 and mentioned some of the individual categories for these calls of service. He reported there were a total of 716 Police-citizen contacts for the month of August with a total of 9,800 miles logged on the cruiser cars.

**B.) Trick or Treat Night for Lebanon County – Thursday, Oct 31 w Rain Date of Nov 1**

Chf Easter announced the County Police Chiefs have designated Thursday, October 31 as Trick or Treat night. The hours will be 6pm to 8pm and will be observed County wide.

**TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine****A.) Custodial Services**

Mgr Grumbine has met with 3 Custodial Services in regards to the municipal building cleaning maintenance. Three companies have provided quotes, Ames Cleaning Service (Annville), Frank Brown Cleaning Services (Lebanon) and Vanguard (Lancaster). She is asking the Supervisors to approve one of these cleaning services for the municipal building custodial needs.

The Supervisors questioned if any of these companies have bonding information. Mgr Grumbine replied both Ames and Vanguard Cleaning Services offered that information. With Vanguard offering the lowest bid the Board asked if there was a written policy on withdrawing from their lease. It was noted Vanguard listed a year, an option of a written 30 day notice prior to that year ending.

**MOTION** was made and seconded to approve the Vanguard proposal for cleaning services. Motion unanimously carried.

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**B.) Halfway Drive Bridge Inspection Report**

The Twp has received the Bridge Inspection Report for Halfway Drive. The report has been provided to the Board along with the recommendations for maintenance issues. During the August meeting a discussion was held regarding the weed maintenance along the stream banks. We have been informed that the banks may be trimmed with a weed whacker or boom mower. No lawn mower or driven equipment may be used to keep the area trimmed.

Suv Brensinger remarked on the trees mentioned at the Halfway Dr Bridge. These trees have been on the reports for many years. The property has now changed ownership and the possibility of removing the trees might be available at this time. Suv Miller asked Suv Brensinger if he would follow up on the tree issue with the new property owner. Suv Brensinger agreed to do so and stated that the Twp needs to try to maintain the area surrounding the bridges.

**C.) Continual Yard Sale on 7<sup>th</sup> Street**

Lt. Wengert, Code Enforcement Officer, provided a copy of an Incident Report regarding a continuous yard sale being conducted on N 7<sup>th</sup> Street. The gentleman in question has received several complaints and has reached a point where Civil Action is the Twp's next step through Lebanon County Planning our Zoning administrator. Also provided for the Supervisors is a copy of the Yard Sale regulations contained in the Twp's Zoning Ordinance along with Section 2107 – Enforcement. The Twp has received numerous complaints about this property from the neighbors as well as passing motorists.

Sol Wolf explained that fining the individual though the District Judge will not correct the situation. Filing in the Courts will give the Twp the opportunity to ask for compliance and the situation to be corrected. Chm Miller asked about a time period for this to take place. Sol Wolf said approximately 35-40 days. When asked, Sol Wolf replied he would draft the initial letter that gets mailed regarding Civil Action. The Board of Supervisors was in agreement to have Sol Wolf proceed with the letter regarding Civil Action.

**D.) Pertinent Issues**

1.) October Budget Workshops have been advertised for Wednesday, October 2 (8am), Monday, October 21 (following regular Board meeting) and Wednesday November 6, 2013 (6pm). November 18<sup>th</sup> will be the Preliminary presentation of the 2014 Proposed Budget with final adoption tentatively scheduled for their December 16 meeting.

2.) October 1<sup>st</sup> Park & Rec Board Meeting Cancelled. Mgr Grumbine announced the next meeting will be held Wed, Nov 6 @ 7pm.

**SOLICITOR'S REPORT – Solicitor Frederick C. Wolf****A.) Personnel Manual**

Sol Wolf said the Manual is now ready to be provided for review as the final changes requested by the committee have been made. Mgr Grumbine will provide the draft to the Supervisors for their review within the next week

**B.) Ordinance Updates**

Sol Wolf stated the draft of the revised Ordinances will also be made available to the Supervisors to review within the next week. He had wanted to wait until after this meeting in the event Lt Wengert might have something additional to add.

**C.) Rockwood Update**

A review of all the issues and mailings that were completed was repeated by Sol Wolf. The property owners have been coming into the office to complete their paperwork. Some of them have had appointments with the County Redevelopment to apply for Grant monies to assist them with certain costs of the project. Sol Wolf reported that as of now there are 2 connections completed.

**Brian Vragovich** asked to comment on the Rockwood Project. He wanted the Supervisors to know the Lebanon Redevelopment Authority is not very cooperative. His family has found them to be non-cooperative in every attempt they have made to assist his mother with her connection for sewer services. Brian said he thought the Board should be made aware of this fact. Sol Wolf asked Brian to see him after this meeting. He would like to have Brian's contact information so he could contact the Redevelopment Authority to assist Brian's mother with her application.

**D.) Violation Letter; Keisch Property – Greenwood Dr**

Sol Wolf reminded the Board this issue was discussed at the last 2 or 3 meetings. He provided pictures taken of what the Keisch's determine to be a game room. The pictures show quite clearly the room is being used as a kitchen, which is in violation of the agreement that Mrs. Keisch had signed. Due to the kitchen being installed, the property is now non-compliant with the Zoning Ordinance for this area, as she is located in an R1 Residential District that does not permit 2 families on one property..

As the Board had directed, Sol Wolf drafted a letter to the Keisch family giving them 10 days to contact LCPD about a timeline to bring their property into compliance. That letter was mailed today. Sol Wolf told the Supervisors that he and Mgr Grumbine are in agreement that compliance will probably not happen. He explained to the Board they will have to make a decision should the property remain in violation.

After some additional discussion, the Supervisors indicated their agreement to instruct Sol Wolf to proceed with filing with the courts should the Keisch family not become compliant after the 10 day period has expired. Chp Miller requested Sol Wolf provide a copy of the letter, to the Supervisors, that was mailed to Mrs. Keisch and also a copy of the letter mailed to the property owner located on N 7<sup>th</sup> Street.

**E.) Knox Box Violation**

Sol Wolf reported on the one individual that remains non-compliant for the Knox Box Ordinance. Sol Wolf informed the Board a complaint has been filed with the Courts. A Hearing date has been scheduled for early November. Sol Wolf will provide Cheri with a copy of the notice that was served to the individual.

**COMMENTS FROM BOARD MEMBERS****A.) Suv Brensinger; Line Striping of Township Roads**

In previous years approval was received from the Board before the line striping project is awarded. However due to the lateness of the season, Roadmaster Brensinger received 3 quotes and has given the lowest bidder the verbal go ahead and place NL Twp on their schedule for striping.

**MOTION** was made and seconded to award the line striping project to Alpha Space Control in the amount of \$15,676.00. Motion unanimously carried.



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**B.) Suv Brensinger; Narrows Dr Stormwater Concern**

Suv Brensinger stated that he was not present when the discussion was held with Mr. Graham from Narrows Drive at the August Board meeting. While the paving was completed at the Lenni Lenape Park, a scoop of blacktop was used to correct the problem with the Grahams driveway and Narrows Drive. The Grahams were present while the work was being completed and appeared to be satisfied with the solution that should resolve their water problem.

**C.) Re-Assessment Appeals**

Chm Miller commented on the continuing appeal and hearings being conducted. A settlement for the Lebanon Valley Mall has been reported at \$4,111,500.00, NLT portion. Some discussion was held about the various settlements awarded to these property owners.

With no further business to discuss the meeting was adjourned.

Respectfully Submitted

Theresa L. George  
Recording Secretary