

**MINUTES  
NORTH LEBANON TOWNSHIP  
BOARD OF SUPERVISORS  
APRIL 21, 2014**

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:

Edward A. Brensinger	Chairman
A. Bruce Sattazahn	Vice – Chairman
Richard E Miller	Treasurer
Cheri F Grumbine	Twp Manager
Harold L. Easter	Chief of Police
Solicitor Frederick S. 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.

**MOMENT OF SILENCE IN MEMORY OF KEN ARTZ** (former NLT Supervisor)

Chm Brensinger announced a Moment of Silence will be observed in memory of Ken Artz, a former NLT Supervisor.

**COMMENTS FROM THE PUBLIC**

**A.) Pat Mahon – Mechanic Street**

Ms. Mahon told the Board she is here this evening to encourage them to consider adding a K-9 unit to the North Lebanon Twp Police Dept. She spoke to the Board about the issue of drugs and crimes on the rise. NL Twp is in need of a K-9 unit in her opinion. She feels a dog will add extra security as far as the officers' safety when pursuing criminals. Ms. Mahon told the Supervisors she has done a little research on the subject but is willing to spend more time on the issue if that is what they want. The Berks County Police Dept is willing to work with any department that shows an interest in having a K-9 unit, according to Mahon. She said there are grants available and even some donations/contributions to be used toward establishing a new unit.

Chm Brensinger looked to Chf Easter for an opinion on this subject. Chf Easter replied there are a lot responsibilities with having a K-9 unit. It is not a simple matter of getting a dog. A lot of research would have to be completed before agreeing to commit to this type of suggestion. Sol Wolf suggested Chf Easter speak to the Officers to see if there is any interest from any of them on this subject. Suv Brensinger also asked him to check with the Chf of Police for the City on some costs involved with operating a K-9 unit.

Suv Sattazahn told Ms. Mahon he is a numbers man. He will have to hear some number breakdowns before he is willing to voice any type of opinion on this subject. He would need to hear the initial outlay of expense and then the continual costs. One issue he sees is the issue of whether or not any of the NLT Officers would be willing to take on the commitment of a dog. This type of program requires one dog handler to be responsible for the animal 24 hours a day, 7 days a week. A comment he wanted to make was the fact that if a vehicle is converted to an animal transport, it then takes one of the vehicles out of the rotation.

**Pat Mahon – K9 Unit (con't)**

The Supervisors discussed the various expenses that would be associated with a dog and its care and the impact it would have on the Police Dept overall. The Supervisors told Ms. Mahon that they are not able or willing to give her any type of answer this evening on her suggestion. The Chief has been asked to gather some information for them. She informed the Board she will be back next month for the May meeting as she thinks this is something the Twp really needs to have to help combat the crime that is increasing.

**APPROVAL OF MINUTES**

**MOTION** was made and seconded to approve the Board of Supervisors meeting minutes from March 17, 2014. 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 – Chf George Gettler Rural Security Fire Company****A.) Monthly Summary for NLT Fire Companies**

Chf Gettler reported on some of the activities of the four volunteer fire companies for the month of March. There were 17 emergencies, 16 NLT assists, 28 training session and 10 mutual aid calls for a total of 43 response calls along with 28 trainings in the month of March. Chf Gettler explained the higher volume of Mutual Aid calls this month.

**B.) Honor Guard Services – Friday, April 18, 2014**

Chf Gettler reported to the Board that the Fire Companies had the privilege of acting as Honor Guard for Ken Artz's viewing on Friday evening. Chf Gettler mentioned that Ken had been Supervisor for 24 years and many of the firefighters worked with the Board during that period of time. Chm Brensinger thanked the Firemen for their gesture and asked Chf Gettler to pass the Board's thanks on to the other members of the Fire Companies.

**CHIEF OF POLICE REPORT – Chf Harold Easter****A.) Calls for Service Report – Month of March 2014**

Chf Easter reported on the activities for the month of March 2014 and mentioned some of the individual categories for these calls of service. He reported there were a total of 799 Police-citizen contacts for the month of March with a total of 9,741 miles logged on the cruiser cars.

**B.) Letter of Appreciation to Det Dave Lauver**

Chf Easter informed the Board that he had received a letter of appreciation from a couple who were saved from what could have been a dangerous situation. A double homicide had taken place in South Lebanon and a high speed chase resulted. The vehicle chase continued through Lebanon City. Det Lauver's quick thinking saved the lives of the other motorists by blocking off the street in the area where the chase was occurring. Because of his quick thinking and professional response, this couple avoided being injured or killed during the chase. Chm Brensinger asked Chf Easter to pass along the Board's recognition of a job well done.

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**TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine****A.) Award of Bids – Fuel, Microsurfacing, Paving**

Bid opening was held on 4/17/14 for diesel fuel, microsurfacing and paving in place.

Diesel Fuel – the bidders were as follows: Meyer Oil @ \$35,156.00; Talley Petroleum @ \$36,168.00 and Superior Plus @ \$37,171.20. With Meyer Oil being the lowest bidder Mgr Grumbine is suggesting the award go to Meyer Oil.

**MOTION** was made and seconded to award the fuel bid to Meyer Oil as lowest bidder at the cost of \$25,156.00. Motion unanimously carried.

Microsurfacing – total bids received for (3) microsurfacing application are as follows: Asphalt Maintenance Solution @ \$19,740.25; Stewart & Tate @ \$23,042.00 and Asphalt Paving Systems @ \$25,922.25. Mgr Grumbine is suggesting Asphalt Maintenance Solutions be awarded the bid as lowest bidder.

**MOTION** was made and seconded to award the microsurfacing project to Asphalt Maintenance Solutions @ the cost of \$19,740.25. Motion unanimously carried.

Paving – total bids received for the 2014 Paving Projects are as follows: Pennsy Supply @ \$332,038.26 and Reading Materials @ \$371,812.80. Mgr Grumbine is suggesting Pennsy Supply receive the award as low bidder.

**MOTION** was made and seconded to award the Paving project to Pennsy Supply @ the cost of \$332,038.26. Motion unanimously carried.

**B.) Award of Bid – Stormwater Project & Athletic Field**

Also on 4/17/14 was bid opening for stormwater upgrades and a ballfield to be located at the municipal building property. Steckbeck Engineering reviewed the bids. The Twp has 60 days to award the bid.

The Supervisors discussed the process that was used to complete the bidding. There were many different variables with several different alternates. Due to the pricing of the alternates, Suv Brensinger suggested that this award process be tabled until the May meeting to allow for Board time to examine and determine how many of these alternate projects can/ should be included in the main project, if any at all. The overall pricing came in much higher than anyone anticipated and the various pricing for the breakdowns vary so much it is difficult to make a decision at this time. The Supervisors mentioned the 3 bidders as being Reading Materials Inc., Woodland Contractors and BNC Construction. The Supervisors were in agreement they would need some time to be review the submitted bids. As there is a 60-day window to award the bid, the May meeting will be within that timeframe to award the bid. Suv Brensinger confirmed this with Sol Wolf who indicated the meeting will be within the timeframe.

**MOTION** was made and seconded to table the bids for the baseball field relocation and stormwater project until the May meeting. Motion was unanimously carried.

**C.) GLRA Policy Approval for Representative**

The GLRA Executive Director has forwarded their stipend policy for the Twp representative to be reviewed by the Board.

**GLRA Policy Approval for Representative (con't)**

The policy outlines \$35 for a stipend for the Authority meeting and \$30 for a committee meeting. If a meeting is in conjunction with an Authority meeting then the stipend is only \$15 (half of the normal rate). The Board is being asked to approve the payment of the stipend by taking formal action. Mgr Grumbine confirmed for Chm Brensinger that the GLRA is responsible for the payment of the stipends.

**MOTION** was made and seconded to approve the stipend policy of the GLRA for the Twp's representative. Motion was unanimously carried.

**D.) Resolution No. 7-2014 – Swatara Sojourn – May 3<sup>rd</sup> & 4<sup>th</sup>**

Resolution No. 7-2014 supporting the Swatara Creek Sojourn Canoeing and Cleanup Trip which is being held May 3<sup>rd</sup> and 4<sup>th</sup> is being presented to the Board. This year is also their 25<sup>th</sup> Anniversary of the Sojourn trip. Mgr Grumbine reminded the Board that the support we offer can also be listed in the annual MS-4 report to DEP.

**MOTION** was made and seconded to adopt Resolution 7-2014 supporting the Swatara Sojourn Canoeing and Cleanup Trip for May 3<sup>rd</sup> and 4<sup>th</sup> 2014. Motion unanimously carried.

**E.) Resolution No. 8-2014 – Misc Fees**

Mgr Grumbine explained to the Board some of the various fees the Twp charges for certain services. The fees that are being proposed for an increase pertain mostly to signage and posts for the signs. She told the Board that Ed had reviewed with the sign vendors the costs for replacement and that is what is reflected in the increased pricing. He also had checked with some contractors and rental vendors on their charges for various pieces of equipment. Mgr Grumbine also reported that some wage rates changed as noted.

Suv Sattazahn questioned if the hourly wage is in consideration of “portal to portal” meaning travel time is included in the pricing. He said he did not notice any verbiage to indicate that to be the case. Suv Sattazahn said he would exclude neighboring municipalities for this particular addition to the pricing. Suv Brensinger stated we can certainly add that verbiage but he had not considered that thought in his suggested pricing. He also added that he thought it would be viable to adopt this pricing in all situations, including neighboring municipalities. The Board discussed some of the pricing for the hourly wages in addition to the cost of materials.

The Supervisors were in agreement to table this Resolution until the revised wording could be added to the Resolution to state portal to portal. Chm Brensinger asked Mgr Grumbine to complete the revisions and place this Resolution on the May Agenda for action by the Board.

**MOTION** was made and seconded to table Resolution 8-2014 until the May meeting at which time the additional language is added. Motion unanimously carried.

**F.) Award of Toshiba Copier to Twp Fire Company (\$500)**

Mgr Grumbine suggested to the Supervisors that we offer the opportunity of purchasing the Toshiba copier to our four Fire Companies for the price of \$500. If none of the companies expresses any interest, we could then open the opportunity to neighboring Fire Companies. The Fire Company that had purchased the last copier from us has expressed an interest in the Toshiba.

**Award of Toshiba Copier (con't)**

After some discussion it was decided to authorize Mgr Grumbine to move forward with the sale of the copier when an offer is received either from an NLT Fire Company or a neighboring Fire company. If more than one bid is received, a drawing could be done to determine which company receives the copier. Suv Brensinger confirmed the NLT Fire companies would receive first opportunity at the copier before extending to neighboring Fire Companies.

**MOTION** was made and seconded to authorize Mgr Grumbine to award a bid to a response from a NLT Fire Company or a neighboring Fire Company. Motion unanimously carried.

**G.) Pertinent Issues**

**1. Roadside Memorials** – An email was received by the Twp office in regards to a sensitive topic. The topic of roadside memorials is being addressed in the email and is asked to be discussed in a sensitive manner. The individual is asking the Supervisors to consider some type of policy for these occurrences. What begins as a memorial to a loved one is now becoming roadside clutter. Samples of 2 such roadside memorials are included in the email. A simple cross or some type of designation would be more acceptable than the litter that is now popping up on these sites. The Supervisors all agreed it is a sensitive subject that needs to be reviewed before any consideration of a policy could be determined. Suv Brensinger said he thought PADOT actually has a policy regarding this type of activity. He said he agrees some of these supposed memorials are becoming an eyesore. Something unique and well maintained would be acceptable to him.

The Supervisors, after some discussion, decided to table this issue until they could review and give it some thought. Also a contact with PADOT to see if they have a policy established. Suv Miller stated he would like to check with PSATS. Suv Miller stated he would put a phone call into Sen Folmer and Rep Swanger's offices to get any PADOT policies on this sensitive topic.

**MOTION** was made and seconded to table this topic until research is completed and can be brought to the May meeting. Motion unanimously carried.

**2. Fish & Boat Commission** – Mgr Grumbine told the Board she wanted to share one of the signs the Fish & Boat Commission had provided to the Twp for posting at Lions Lake. On May 10<sup>th</sup> the Mentored Youth Day is scheduled to take place. The sign indicates that fishing will be prohibited at Lions Lake on May 9<sup>th</sup> @ 12:00 noon through May 10<sup>th</sup> until 10am. There were several signs provided which will be posted all around the Lake.

**SOLICITOR'S REPORT – Solicitor Fred Wolf****A.) Ordinance 2-2014 Misc Updates – Review and Schedule Hearing**

Sol Wolf explained this Ordinance must be reviewed and recommendations received from NLT Planning Comm as well as Lebanon County Planning Dept. Due to the May meeting for NLT Planning Comm being scheduled prior to the Board meeting, a Public Hearing could be scheduled for the May 19<sup>th</sup> BOS meeting. The Planning Comm can meet and offer their recommendation to the Board within the week. Lebanon County Planning Commission will also be asked to offer a recommendation on Ordinance 2-2014. The Public Hearing will be advertised in the Lebanon Daily News prior to the May 19<sup>th</sup> Supervisor meeting.

**B.) Keisch ZHB Hearing – April 24<sup>th</sup> @ 7:30pm**

The Keisch Zoning Hearing is scheduled to be held Thursday, April 24 at 7:30pm here at the NLT Municipal Building.

**C.) Personnel Manual – Board Reviewing Revisions; Set Review Date in April**

The Board has been provided all the latest revisions for the Personnel Manual for review. Once the Supervisors indicate they have completed their review, action can be taken on the Manual.

**D.) Code Enforcement Violations – Judge Charles Decision**

Sol Wolf told the Board that this case is pertaining to the Knox Box Ordinance. A property owner had signed an agreement with the Twp to order and pay for a Knox Box for his apartment building. To date the box still has not been installed. A Hearing had been set for April 3<sup>rd</sup> in front of Judge Charles. The property owner did not respond for the court hearing. Judge Charles ordered the individual to be in contempt of court and has allowed until May 10<sup>th</sup> for the individual to bring his property into compliance. If not completed by May 10<sup>th</sup> further penalties will be enacted through the courts.

**E.) Resolution No. 9-2014 – Site Access Agreement & Lease Agreement -VzW**

The Supervisors received a summary, prepared by Sol Wolf, pertaining to an agreement about the possible construction of a communication tower by Verizon on Twp owned property. Currently cell towers are permitted in Industrial zoning. The Twp property is not zoned for the placement of a cell tower and therefore Verizon would need to file an appeal as a “permitted use” or a “conditional use”. Verizon is asking the Board to consider this agreement prior to the company expending funds to complete the Public Hearing process. The Resolution states that any and all documents agreed to, by the Supervisors, prior to the Public Hearing would be dependent on the outcome and final decision made by the Board at the Public Hearing. Should the decision be negative after the Public Hearing, all previous agreements would then become null and void.

Verizon is asking the Twp to consider 2 items prior to any filing procedure or Public Hearings:

1.) Site access agreement which identifies an area of 100’ x 100’ located to the east of the current Yardwaste Facility. Also as part of this agreement would be that Verizon is permitted to do testing of the soils in the area to determine suitability for a cell tower location.

2.) Lease agreement between NLT and Verizon. An attachment is included with the Lease Agreement which is a map identifying the 100’ x 100’ location. The agreement would be a 5-year lease agreement with a determined first year payment and each year following a 3% increase in the rental price. An option to continue the lease would be granted for 4 additional 5-yr terms.

Verizon is requesting that the Twp approve these 2 agreements prior to the Public Hearing in an effort to avoid spending a large amount of money to go through the Zoning process if the Board is not in agreement with some of the basic issues involved with this tower placement. The Resolution prepared by Sol Wolf protects the Board with verbiage in paragraph 2 which states the outcome of the Public Hearing will determine any and all future activities in regards to a tower being permitted, or not being permitted on NLT property. This agreement would not indicate to Verizon that the Twp/Board is guaranteeing the outcome of any application process submitted by Verizon on Zoning issues with this project. Sol Wolf reviewed the contents of the total Lease Agreement proposed by Verizon.

**Resolution 9-2014 - Verizon (con't)**

Suv Sattazahn said he has 2 questions. His first question pertained to the initial amount being offered as first payment. Is that in line with what is being offered to other municipalities? Mgr Grumbine replied yes it is although at least one municipality had accepted a considerable less amount. Second, Suv Sattazahn questioned the options of payment for secondary users. Mgr Grumbine said Sol Wolf had tried to negotiate a 10% figure but Verizon countered with a \$200 monthly fee in lieu of original \$100 monthly amount offered in the proposed agreement. Suv Brensinger and Suv Miller indicated they had no questions at this time.

**Earl Roberts** was recognized by the Chairman to ask a few questions. Roberts told the Board he has had some experience with cell tower placement. The revenue offered is in anticipation of the amount of traffic flow through the tower. He finds the amount offered by Verizon to be rather meager. The square footage being sought by Verizon has been identified to the Supervisors? Sol Wolf replied yes there is a sketch attached to their proposal. Roberts then offered his opinion that the surveying that is requested and the signing by the Board of any type of agreement should be completed after the Public Hearing not previous to. By signing any agreements prior to a Hearing, in his mind, as a member of the public, it would appear as though this were a done deal even though the Public Hearing is just now being conducted as part of the process. He would think the proper procedure for the Board to follow would be that the specific site be identified, the height and nature of tower be determined and that the Public Hearing has been held. Any signing by the Board should follow the completion of those 3 steps, in Roberts thinking.

Sol Wolf told Mr. Roberts he does not disagree with what Roberts is saying. However that being said Verizon is stating they want an indication that the negotiated terms are in place should the Public Hearing decision be favorable. Verizon has indicated this is the procedure they wish this issue to go or they are not willing to move forward. More discussion followed regarding the height and the type of tower being proposed.

Suv Sattazahn stated he is understanding Mr. Roberts' remarks and concerns. However he looked to Sol Wolf to confirm that the wording in the Resolution provides an "escape hatch" should the Public Hearing result in a negative determination. Sol Wolf agreed with Suv Sattazahn' remarks. Following the Public Hearing if the decision is negative the Board cannot be held responsible for any proposed agreements.

**Dawn Hawkins** questioned if the specific location for the proposed tower is known. She was told yes, a sketch has been submitted. Hawkins said she understands the Board knows, but can the Public know its proposed location? The proposal received the last time had been for the playground area in the park. Is it the same location? Mgr Grumbine said she cannot think of a reason why they couldn't release that information. Suv Brensinger said it is proposed for the corner of the Yardwaste Facility.

**Suv Miller** asked the actual purpose of the Resolution 9-2014. Sol Wolf replied the purpose is to find out if terms can be reached should the determination be favorable following the Public Hearing. Suv Miller stated this Resolution is to lock in any terms should the rezoning request be granted following the Public Hearing. Sol Wolf agreed saying the Hearing would be scheduled in the next 4 to 6 months. The terms must be agreed upon prior to the actual approval, should approval be received after the process is completed because of financial issues. Sol Wolf said a response could be given to Verizon that the Board does not wish to sign any agreements prior to the outcome of the Public Hearing.

**Resolution 9-2014 - Verizon (con't)**

Suv Sattazahn said, in summary, what the Board would be agreeing to is:

- \$14,400 a year
- 5-yr lease with 3% increase option for each year
- \$200 for each additional user on the tower
- the 100' x 100' size and the location of that area

The Board discussed what size is typical for cell towers and what determines the size of the towers. Chm Brensinger asked his fellow Board members what direction they feel should be taken tonight. The issue could be tabled or no action taken at all.

**MOTION** was made by Suv Brensinger to adopt Resolution 9-2014. Motion died for lack of a second.

Chm Brensinger said he wanted to thank Earl Roberts and everyone for all their comments.

**F.) Resolution No. 10-2014 – Interrogatories by Manager**

The Twp is involved in a Civil Litigation action. In order to outline future processes for Civil Litigation Resolution 10-2014 has been drafted. Sol Wolf read the contents of the Resolution. Suv Miller said he would like to revise wording to include copies of the Interrogatories be provided to the Board of Supervisors prior to the submission of the information.

**MOTION** was made and seconded to adopt Resolution 10-2014 contingent upon revisions being completed to paragraph 2 stating that the Supervisors receive the completed information to review before submitting the information. Motion unanimously carried.

**COMMENTS FROM BOARD MEMBERS****A.) Suv Dick Miller – Loss of NLT Former Supervisor**

Suv Miller commented on the passing of Ken Artz. He remarked on Ken's 24 years of service as Supervisor for the Twp. When deciding to sit on the PSATS Board, he chose the position that Ken had held. Suv Miller said he has enjoyed working with Ken the last few years and he will be sadly missed by not only the Twp staff but by the Community as well.

**B.) Suv Ed Brensinger – Hershey Convention**

Suv Brensinger told the public that the Supervisors, the Twp Manager and the Ass't Manager had attended the PSATS convention hosted in Hershey last week. This is time well spent as he always comes home with additional knowledge on a variety of issues. Suv Brensinger said it is always interesting to meet with other municipalities and hear about the issues they are trying to contend with. The other comment he wanted to make is to his fellow Supervisors was the importance of reviewing the information in Ord 2-2014 because at some point in time the constituents will come to them and ask "why did you do this to me".

With nothing more to discuss, meeting adjourned.

Respectfully Submitted

Theresa L. George  
Recording Secretary