

**MINUTES
NORTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS
SEPTEMBER 15, 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.

COMMENTS FROM THE PUBLIC

A.) William Kaiser – E Brookfield Dr (Deerfield North Development)

Mr. and Mrs. Kaiser have had several communications with Twp representatives concerning maintenance issues with a stormwater basin located on their property on E Brookfield Dr. According to the Subdivision Plan the basin is to be maintained by the property owner. This particular basin is located in the rear yards of several different properties. Mr. Kaiser explained that the basin captures water that is being directed from Aspen Way which contains approximately 28 to 30 homes. Water is also piped from Water Street and Aspen Way, which are public roadways. His backyard contains several components of the overall stormwater system. On the occasions that the Kaisers have met with the Twp representatives, they have been told that the responsibility for maintenance falls to the property owners. Kaiser stated that mowing and weed control is something he has no problem doing. However when it comes to excavating and replacing pipes for a stormwater system that serves a large portion of the neighborhood, it is definitely out of his scope of expertise. Mr. Kaiser said surely someone sitting on this Board has to understand their frustration with this issue. He has spoken to several of his neighbors to explain the responsibility issues with the stormwater system. None of the individuals he has spoken to were aware of this information. Why would this information not be shared with potential buyers at the time of property purchase?

Mr. Kaiser appealed to the Supervisors to begin looking for a course of action to help alleviate some of the problems that these property owners are facing now and in the near future. He repeated it is unrealistic to expect these property owners to be able to financially maintain these facilities that should be the shared responsibilities of all the homes involved in the use of the stormwater system. He spoke about new legislature that is being used by some municipalities that allows a stormwater fee to be charged by the municipality and will help provide the funds needed when repairs are required. Mr. Kaiser stated he would much rather pay a yearly stormwater fee than be faced with the astronomical responsibility of maintaining the components of a stormwater system because certain components of it are located on his property.

Mr. Kaiser told the Supervisors that had he been told this information 15 years ago when he purchased this property, he never would have agreed to buy it. Never at any point in time was he told anything about maintenance responsibilities associated with this basin. He questioned the Supervisors asking if they do not agree that this was negligent on the Twp's part not informing people of this information at the time of the property settlement. Mgr Grumbine said the Twp is not involved with the property purchase. The Twp does not know about a property transfer until after it has already transpired. The realtor and developer were involved at the time of the sale of the properties.

Stormwater – E Brookfield Dr (con't)

Sol Wolf explained the procedure used when these subdivision plans are processed prior to any construction. The developer's engineers design the stormwater basins. The Twp's job is to insure that the plan notes containing this type of information are noted on the plans. In this case the notes were printed right on the plan sheets. If the individuals doing the deed search at the time of the sale had researched, they would have found the notes regarding the responsibilities falling to the lot owner. Sol Wolf said there is legislature regarding stormwater fees being issued by municipalities being permitted. Most of these stormwater issues are being addressed by an Authority.

Suv Brensinger told Mr. Kaiser that he can't disagree with some of what he has been saying. When he came on board 14 years ago stormwater was being addressed but not under the scrutiny that it is facing today. Some of the older developments have metal piping that will probably begin failing in the future. He does have concerns about these issues and how to handle them when they start occurring. The stormwater designs coming through currently do not show stormwater on several properties. The stormwater is contained on one huge parcel and it is the responsibility of one property owner. That individual is made aware of the fact right from the beginning. He does not agree the Twp is responsible to inform purchasers at the time of the property sale. He feels it is the job of the realtor and developer to keep the purchasers informed of the responsibilities. Suv Brensinger said he has read about the fee that Mr. Kaiser has mentioned. In many municipalities the stormwater and sewer water are dealt with as one. These are the situations that municipalities are right now trying to resolve through this new legislature. Suv Brensinger described all the newest trends in dealing with stormwater and the newest designs. He told the Kaisers he does not have an answer for their current dilemma. He does agree the Twp will have to start looking at some of these stormwater issues and soon. He also shared that he thinks these property owners will be looking to the Twp for assistance when these systems begin to fail. Hopefully until that time the Twp will have some answer to this dilemma. The Board thanked Mr. Kaiser for sharing his comments with them.

B.) Richard Moore – Lebanon County Ag Preservation

Mr. Moore addressed the Supervisors saying he is here tonight to represent the Lebanon County Ag Preservation. He wanted to thank the Twp for their continued support and financial donations. At this point in time PA has 484,269 acres preserved of which North Lebanon has a total 1226.72 acres in preservation. Moore explained the importance of land preservation and Lebanon County's part in that program. He thanked North Lebanon Twp again for their support and asked that they consider the importance of this program when discussing the budget for 2015. If the Twp is able to bump up their contribution it would be greatly appreciated.

C.) Richard Moore - Canal St & N 8th Ave

Mr. Moore said on another note he wanted to make the Supervisors aware of what he considers to be a dangerous intersection. Canal St entering onto N 8th Ave. Moore told the Board due to physical features and the rapid speed that motorists seem to choose, make this a dangerous area. He is concerned about the safety in this area. He asked the Supervisors to take a look at this area for possible traffic pattern changes and recommended Canal St be a one-way headed west.

D.) Ben Minnich – Hill St

Mr. Minnich told the Supervisors he attended this evening to offer his thanks to Officer Kline for a job well done. He explained that Officer Kline is working with a neighboring property owner to get rid of old vehicles and do some property cleanup. He wanted to let the Twp know he appreciates Officer Kline's attention to this matter. Chf Easter told Minnich he would pass along his comments to Officer Kline.

APPROVAL OF MINUTES

MOTION was made and seconded to approve the meeting minutes from August 18, 2014. Motion was unanimously carried.

APPROVAL PAYROLL, FUND BALANCES and PAYMENT OF INVOICES

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

FIRE CHIEF'S REPORT – Allen Firestine, Ass't Chief Rural Security Fire Co**A.) Monthly Summary for NLT Fire Companies**

Ass't Chf Firestine reported on some of the activities of the four volunteer fire companies for the month of August. There were a total of 62 responses including 21 mutual aid assists, and 21 mutual aid calls in the month of August with 13 training sessions attended. A total of 511:52 volunteer man hours were logged for August as well as 280 training hours.

Chm Brensinger thanked Ass't Chf Firestine for everything the firefighters do for the betterment of the Township.

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

Chf Easter reported on the activities for the month of August 2014 and mentioned some of the individual categories for these calls of service. Chf Easter reported there were a total of 702 Police-citizen contacts for the month of August with a total of 10,100 miles logged on the cruiser cars.

B.) EOP/NARMS

Chf Easter questioned the Board about the EOP Manual that the Committee had reviewed and Dave Lauver had compiled for the Board's review. Chm Brensinger mentioned this is a fluid document which will be constantly changing. He suggested to his fellow Board members that they make a motion to adopt it as written with the knowledge that this document will require frequent reviews and revisions for maintenance. The Supervisors discussed the manual and indicated they were ready to move on the EOP Manual. Mgr Grumbine stated that this should be adopted by Resolution. The Board can take action this evening and a Resolution will be prepared for signatures.

MOTION was made and seconded to adopt the EOP Plan as presented. Motion unanimously carried.

C. Countywide Trick or Treat Night – Thursday, Oct 30

Chf Easter announced that Trick or Treat night will be on Thursday, Oct 30th with a rain date of Monday, Nov 3rd from 6pm.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine**A.) Budget Workshop Dates**

Mgr Grumbine provided the Supervisors with a list of proposed dates for Budget Workshops. The Board is being asked to finalize this list tonight to allow for advertising of the dates.

MOTION was made and seconded to approve the dates of Wednesday, 10/01 at 8am and 6:15pm; Wednesday, 10/08 at 8am and Monday, 10/20 following the regular scheduled Supervisors' meeting for Budget Workshop meetings. Monday, 11/17 will be advertised for presentation of the Preliminary 2015 Budget during the regular Board Meeting. Motion carried unanimously.

B.) Resolution No. 14-2014; CDBG Funding Application – Demolition Project

Mgr Grumbine had contacted Dan Lyons at the Redevelopment Authority to discuss the demolition project the Township is now ready to move forward to complete at 1401 E Old Cumberland St. Mr. Lyons felt sure this would be an eligible project for this Grant Application and suggested a representative attend the September 18 meeting. Based on the discussions at the September 18th meeting they will determine if this application is worthwhile submitting.

Resolution No. 14-2014 (con't)

Resolution No. 14-2014 has been prepared and is being presented to the Board approving submission of a request for CDBG Funding to the County of Lebanon should this project be determined eligible. The deadline for submission is October 16th, which is prior to the next Board meeting. Should this project not be eligible, no submission will be made for this project regarding CDBG Funding.

MOTION was made and seconded to adopt Resolution No. 14-2014 authorizing signature on the application for CDBG funding for the Twp's demolition project on E Old Cumberland Street. Motion unanimously carried.

C.) 904 - 2013 Grant Application

The 2013 Municipal Recycling Program Performance Grant Application (904 Grant) has been prepared and is ready to submit to DEP. The application provides for eligible materials recycled in 2013 from Residential and Commercial properties located within the Township. The total is 2,125.8 tons.

MOTION was made and seconded to authorize the Chairman's signature on the 2013 904 Grant Application. Motion unanimously carried.

D.) DynaTech Service Agreement – Generator

The Twp has received the maintenance agreement from DynaTech for our emergency generator. The agreement provides for one full preventative maintenance service per year as outlined on their agreement dated 9/01/2014. The Board is being asked to approve and sign the agreement for the generator maintenance.

The generator gets exercised weekly. DynaTech comes to the site and tests the generator for full power. Tim, the Mechanic, changes the oil and does limited filter maintenance on the unit.

Earl Roberts questioned the process used to exercise and/or test the generator. Chm Brensinger replied he is not sure how the testing is completed as the Twp Mechanic usually takes care of this project. Roberts stated that there are certain percentage rates regarding load capacities that are used for testing these units. He was just curious what process DynaTech was using. Chm Brensinger said he would speak to Tim our Mechanic to see how the testing is accomplished.

MOTION was made and seconded to authorize the Chairman to sign the agreement with DynaTech for the generator. Motion unanimously carried.

E.) Pertinent Issues

1. W Cumberland St – ZHB Petition; Variances Requested – The Zoning Hearing Board has received a petition from Lebanon DPP X, LLP for a proposed Dollar General Store to be located on W Cumberland St. A hearing has been set for October 28th. There are 5 variances being requested as outlined in the August 4th Zoning narrative from Steckbeck Engineering & Surveying Inc. Mike Swank had attended the September meeting of the Planning Commission. The Board received a draft of the discussion during that meeting.

The Supervisors reviewed the proposed development planning for this location. After some general conversation, Mgr Grumbine stated the hearing is scheduled for October 28 @ 7:30pm. After reading the minutes from the Planning Commission discussion the Board should discuss any comments or suggestions they might have to take to the hearing. She told the Supervisors the Commission members questioned whether or not the trucks will be able to negotiate the required turns for access to the property. Due to the number of variances being requested, a representative from the Township should be in attendance at the hearing.

SOLICITOR'S REPORT – Solicitor Fred Wolf**A.) Comcast Franchise Agreement – Cohen Law Group Proposal**

After speaking to some other municipalities about jointly hiring the Cohen Law Group to negotiate the renewal of the agreement with Comcast, there are now 3 municipalities involved, Swatara, Cleona and North Lebanon. Cohen Law Group offers a 15% discount to any group of 3 or more so we qualify for the discount. A proposal has been received from the Cohen Group stating a flat fee of \$8,900. This fee is derived by the population numbers. The 3 municipalities will split the fee but it has not yet been determined how the split will be determined. Sol Wolf is asking the Board to approve the Cohen Law Group negotiating the renewal of the Comcast Agreement.

MOTION was made and seconded to approve the Cohen Law Group for negotiating the new Comcast Agreement for North Lebanon Township. Motion unanimously carried.

B.) Personnel Manual

The draft of the post review of the Personnel Manual has been distributed. Action on this manual should happen in the near future.

C.) Nov 13 @5:30pm – Joint Meeting with Municipal Authority

Sol Wolf told the Supervisors the Joint Meeting between them and the Municipal Authority is scheduled for 11-13-14 @ 5:30pm until 7pm. Items to be discussed include Authority budget review, any rate increases that might be anticipated and the vehicle replacement committee suggestions. Suv Sattazahn said he will not be available for that meeting.

D.) Zoning Ordinance Change – “Corner Lot”

Sol Wolf reminded the Supervisors that they had discussed making changes to the definition of a “corner lot” which is zoning term. To accomplish that change a public hearing is required. He has asked the Board to inform Mgr Grumbine or himself as to any other changes/revisions they might think is necessary to review. Mgr Grumbine has spoken to Lebanon County Planning regarding the planned definition change and asked them to begin applying the new definition when requests are made to them for these types of situations.

COMMENTS FROM BOARD MEMBERS**A.) Suv Ed Brensinger – Change Order for Woodland Contractors**

Suv Brensinger spoke to his fellow Board members about the new fencing for the expanded YardWaste Facility. The contractor who is installing the fencing for the new ballfield was asked to provide a verbal estimate for the new YardWaste Facility. Suv Brensinger said he also had received 2 verbal estimates from 2 other vendors. The other quotes came in quite a bit higher than the contractor who is already here at the location working. He is suggesting to the Board members that a change order should be made to the work scope for Woodland Contractors which would enable them to provide 720' of chain link fencing, a 20' rolling gate and the installation of the fencing and the gate. Because the bid came in under the amount that requires advertising for bids, a change order seems the way to go with this project.

Suv Miller questioned if Ed is happy with the way this project is going. Suv Brensinger replied this project has gone quite well and he is very comfortable with suggesting this change order. Suv Sattazahn stated he is comfortable with approving this change order.

MOTION was made and seconded to approve a change order for Woodland Contractors to complete the fencing project for the new YardWaste Facility in the amount of \$17,320 which includes 720' chain link fencing, a 20' rolling gate and complete installation. Motion unanimously carried.

B.) Municibid – Old Dump Truck #3

Suv Brensinger told the Board the new dump truck has been received. As a result, the old dump truck #3 was advertised on Municibid.

Municibid – Old Dump Truck #3 (con't)

The bidding period has ended and the Twp has been notified the successful bid was \$38,600 which falls short of the \$55,000 reserve that had been placed. Suv Miller questioned Suv Brensinger if he feels we should re-advertise to try to get closer to the \$55,000 reserve. Some discussion followed about the possibilities for re-advertising. Suv Brensinger said we may not get as high a bid as we received this time.

Suv Sattazahn questioned if it is possible to contact the successful bidder and suggest that maybe they increase the bid to \$40,000 since there was a reserve of \$55,000. Suv Brensinger said he is not sure that Municibid operates that way. He is doubtful the personal information for the bidder would be released by Municibid until the Board accepts or declines the actual bid. Suv Sattazahn said he felt it would be worth a try. Suv Brensinger said he would check into the possibility but would like to know what his fellow Board members would like to do if that is not an option.

MOTION was made and seconded to try the option of negotiating to get \$40,000, if permitted under Municibid rules. If not, accept the current bid of \$38,600 for the old dump truck #3. Motion unanimously carried.

C.) Stormwater Issues - Earl Roberts

Mr. Roberts asked if he could make an observation to the Board in reference to the stormwater issue discussed earlier this evening. He reminded the Board that these stormwater designs, retention basins and swales seem to be repeat issues that the Twp is being asked to manage. Although he understands the Twp's intentions to not be responsible for these types of situations located on private property, he feels that the Twp and/or Lebanon County Planning, does have some responsibility when the residents come to the Twp for help. During the planning process the approvals are given for these designs, by the Twp, knowing that these responsibilities are being placed on individuals that know nothing about the requirements and/or have no knowledge of what they are being asked to maintain. The Twp has a responsibility to insure that communities work compatibly and the Supervisors should be reviewing these issues carefully. In his opinion the Supervisors should begin a review process about what can be done to assist the residents who have these situations that were approved and created prior to the stormwater topic which has become so important. It is his opinion that the Twp and the County have a moral obligation in these situations. Roberts said he just thought he would share a few of his thoughts with the Board.

Suv Brensinger said he thinks that at some point a stormwater fee will have to be approved and accessed. Suv Sattazahn said the problem is how do we "back paddle" and force people to pay a fee after many years of not having a fee. He recognized that the person who is feeding the water to a property that contains the basin will more than likely not want to share in paying this type of fee. Sol Wolf said the trend is to have an Authority take ownership and then access a fee to the property owners in the development. After some lengthy discussion the Board thanked Mr. Roberts for sharing his thoughts.

With nothing more to discuss, meeting adjourned to be followed by an executive session for discussion on personnel and litigation matters.

Respectfully Submitted

Theresa L. George
Recording Secretary