

**MINUTES  
NORTH LEBANON TOWNSHIP  
BOARD OF SUPERVISORS  
JANUARY 18, 2010**

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:

Kenneth C. Artz	Chairman
Richard E. Miller	Vice – Chairman
Edward A. Brensinger	Treasurer
Cheri F. Grumbine	Township Manager
Frederick S. Wolf	Henry & Beaver LLP
Harold L. Easter	Chief of Police

Also in attendance was Alicia Gurdus of the Lebanon Daily News and several other individuals. The meeting was called to order and the pledge to the flag was done.

**PUBLIC HEARING – 7:30 PM Ordinance 1-2010; Compliance with Act 51 of 2009**

Chm Artz announced the regular meeting will commence until 7:30 PM when a Public Hearing will be held. The regular meeting will resume after the Public Hearing has been completed.

**COMMENTS FROM THE PUBLIC**

**A.) Ed McNair – Brookfield Drive**

Mr. McNair told the Board he has questions about the liability insurance issue concerning basketball nets that are placed along the roadsides and the kids using the public street as a basketball court. Should anyone get injured while playing basketball is the Township liable for the possibility of being sued? Chm Artz asked Sol Wolf what his opinion was on this issue. Sol Wolf replied that the Twp certainly could be sued but whether any actual payment would be enforced is another issue. Sol Wolf questioned Chf Easter if the Police Dept receives complaints regarding basketball nets and games being played in the streets. Chf Easter replied no they do not. After some conversation on this topic McNair asked if the Twp has an Ordinance for this type of situation. The response was no we do not. McNair asked if this was something that the Twp should think about having in the Ordinance book. Chm Artz told McNair this is an issue that the Board would have to research for consideration.

**B.) Glen Kreiser – Shellie Street**

Mr. Kreiser asked Sol Wolf exactly what his duties are as Solicitor for the Twp. Sol Wolf responded his priority is to advise the Supervisors on legal issues as different topics arise. Sometimes there is research that needs to be completed when drafting ordinances or other required documents. Also to prepare Ordinances and conduct Public Hearings, as they are needed, along with attending at least one meeting a month. Kreiser asked Sol Wolf if he would be responsible for defense duties if the Supervisors would need it. Sol Wolf replied it depends on the issue that is involved. The next question asked was if he ever works directly for/with the taxpayers in the Twp. Sol Wolf replied there may be times when working on issues for the Twp that directly results in contact with the taxpayers.

**Kreiser – Shellie Street (con't)**

Kreiser next mentioned an occasion when he stopped into the Twp office to request a meeting with the Chairman of the Board of Supervisors. A message was taken by the Twp clerk and provided to the Supervisor. The Supervisor made contact with Kreiser after 3 different attempts. However Kreiser expressed his disappointment that the meeting still has not taken place and it is now 2 weeks after that phone call. It is his opinion that the Supervisors should freely offer any information they have on issues when asked about it. He expressed his feelings that the Supervisors should be more conscious of paying attention to the residents' requests.

Chm Artz reminded Kreiser that he had told him he is not comfortable scheduling a private meeting without one or both of the other Supervisors present as Kreiser would not reveal what issue it was he wanted to discuss. He told Kreiser he was not aware that the requested meeting was of an urgent nature and apologized to Kreiser for not making the actual appointment with him. He told Kreiser he will make contact with him to schedule a meeting.

**C.) Earl Roberts – Kercher Avenue**

Mr. Roberts asked what difference there is when it is a private meeting or if the meeting is in public somewhere, such as church. Mr. Roberts questioned whether or not the Board and Twp Manager should choose what information they share with the residents, particularly when specifically asked. He referred to the Tenaska issue that he has been trying to get honest answers for almost 2 ½ years now.

Roberts mentioned the November Supervisor meeting he had attended in 2008. Another meeting he attended was in March and when he asked questions he was “stonewalled” by the Board and the Twp Manager. It is his opinion that the Board and Twp Manager should provide any information they have on these important topics when they are asked for the information.

Sol Wolf reminded Mr. Roberts that this conversation has been had several times. He thinks it should be understood that they simply do not agree on what transpired regarding the first initial contact that 2 of the 3 Supervisors had involving the issue of a possible energy plant. It is not uncommon for various municipalities to attend dinners/luncheons hosted by third parties to introduce large projects that are a possibility for location in the County. Roberts stated he considers that to be a private meeting. Sol Wolf asked Roberts if he could remember anyone else's name that had attended the dinner. Mr. Roberts replied he believes the 3 County Commissioners were in attendance. Sol Wolf asked Roberts if he had spoken to any of them to complain about their attendance at the meeting. Roberts responded that the Commissioners were forthcoming with their information. He said he does not object to the Supervisors attending the meeting. He objects to the fact that they refused to discuss when questions were asked. Roberts stated that the LVEDC and a representative from Met Ed was also in attendance.

Mr. Roberts again asked if it is standard procedure for the Twp to withhold information from a resident who asks questions and wants information pertaining to certain normal courses of business within the Twp. Sol Wolf told Roberts that it seems he refuses to acknowledge that the Supervisors went to that first meeting not knowing the topic that would be introduced by the Lebanon Valley Economic Development Corp. He told Roberts that there should be an understanding that they agree to disagree on the Tenaska issue. Sol Wolf asked Mr. Roberts if he had anything else to add before the meeting resumes. Mr. Roberts indicated they do disagree and he had nothing more to say.

**APPROVAL OF MINUTES**

Suv Miller stated he wanted to clarify the portion of the minutes pertaining to the Act 51 conversation and the “Killed in Service” benefits discussion. He wanted to make it clear the conversation during the 1-04-10 meeting was not referring to the term life insurance benefits that Police Officers receive under their contract but was in regards to Act 51 compliance.

**MOTION** was made and seconded to approve the minutes from January 4, 2010 meeting minutes. Motion unanimously carried.

**APPROVAL PAYROLL and PAYMENT OF INVOICES**

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

**FIRE CHIEF’S REPORT – George Gettler****A.) Monthly Report – December 2009**

George Gettler, Chief of Rural Security Fire Company, was present to give a summary for the month of December 2009. Gettler stated he is reporting for 3 of the 4 volunteer Fire Companies as he is missing Ebenezer Fire Company info. The 3 Fire Companies responded to 23 calls for service in December and volunteered a total of 223.23 man hours. Gettler mentioned several statistics related to the equipment used for the month of December.

**B.) Knox Box –Draft Ordinance**

Gettler told the Supervisors that the Knox box equipment has been delivered and the hardware is being mounted for the key retention. Once all the equipment is in place the wire connections will be completed. Conversation about the drafted Ordinance followed. A draft had been prepared and was provided to the Fire Chiefs for their comments and suggestions. Mgr Grumbine had completed their requested revisions and returned the document to the Chiefs for their review. At this point in time she is waiting to hear back from the Fire Chiefs. Mgr Grumbine offered to provide the draft to the Chiefs again. Gettler indicated that would be a good course of action. Suv Brensinger verified that there will have to be a Public Hearing scheduled before adopting this Ordinance.

**C.) Pertinent Matters - VFIS RE: Liability for Fire Police**

Suv Miller asked George Gettler if he would place a phone call to Zinn’s Insurance to question the liability insurance factor regarding the Fire Police. After some discussion Gettler suggested that the Supervisors might want to call the insurance agent themselves as he does not know what questions they have for him. Suv Miller agreed he would do so but did not want to offend the firemen.

\*\*\*\*\* 7:30 PM – PUBLIC HEARING BEGAN \*\*\*\*\*  
**ORDINANCE 1-2010**

Sol Wolf introduced the Public Hearing for tonight. He read the provisions for the information regarding the “Killed in Service” benefit that had been required several years ago. At that time the State required the municipalities to be responsible for providing this benefit to the Police Officers. As of October of 2009 the State has now assumed the responsibility for this benefit in accordance with Act 51. As part of the process North Lebanon Twp must adopt a new Ordinance to make changes in the Pension Plan. Now that all the information is in place the Twp is ready to officially amend the current Pension Plan and repeal the current “Killed in Service” and survivor benefit as it appears in the Pension Plan.

**ORDINANCE 1-2010 (con't)**

This hearing will allow the Twp Manager to execute the proper documents to remove those provisions from the Pension Plan. He explained the Twp's wish to obtain some definite information as to whom the family of a fallen Officer would contact in the event something of this nature should ever occur. At this point Sol Wolf opened the floor for comments/questions from the Public.

**C: Martin Barondick** said he wanted to be sure he understands what is being done here. The State is now responsible for this benefit for the Police Officers and the Twp is now deleting their obligation to provide this benefit. Is this correct?

**A: Sol Wolf** agreed saying the Twp had taken a separate insurance to provide for the possibility of this event happening. It was handled through the Pension funding. By conducting this hearing and repealing the benefit from the Pension Plan, the additional insurance premium will be removed from the Pension funding.

**C: Suv Miller** commented that the State has included this benefit along with various other benefits offered by the state in accordance with Act 51, such as furthering education for the Officers children.

**Q: Glen Kreiser** questioned the State funding for this benefit. Now that that the State is responsible for this benefit will it affect the 2010 Budget? He was told, no.

**Q: Ed McNair** asked if the Pension funds are funded or underfunded.

**A: Sol Wolf** stated the Police Officers contribute 4%, the State funds a portion of the amount and the municipality provides the remaining amount. The amounts that the Twp provides is dependent upon the report received from the actuarial report submitted bi-annually.

**Q: Dawn Hawkins** questioned if the premium amount is being freed from the Budget?

**A: Mgr Grumbine** replied it was not shown as a line item in the Budget as it was expensed from the Pension Plan.

**C: Suv Breninger** commented that he has a concern that the amendment does not contain the verbiage referring to the State funding the benefit. Sol Wolf informed him the Statute itself covers the State's requirement.

Sol Wolf asked if there were any other questions, comments or concerns. Not hearing anything, Sol Wolf asked the Supervisors to take action on the Ordinance before them.

**MOTION** was made and seconded to adopt Ordinance 1-2010 amending the Police Pension Plan regarding the "Killed in Service" benefit. Motion was unanimously carried.

\*\*\*\*\***PUBLIC ENDED**\*\*\*\*\*

**CHIEF OF POLICE REPORT – Harold Easter****A.) Calls for Service – December 2009; 2009 Year End Report**

Chf Easter provided a summary of the calls for the month of December. A total of 215 calls for service were reported

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**Calls for Service – December 2009; 2009 Year End Report (con't)**

The total number of calls for service for the year of 2009 was 2964. A recap of the types of calls was provided. The high day for calls was Thursday with Saturday being the second highest day and then Monday.

**B.) Police Policy Manual for Police Department**

Chf Easter had previously provided a Police Policy Manual to the Supervisors for their review. He asked them to take action on this Manual at this time. The Board indicated they were ready to adopt this Manual for the Police Dept this evening.

**MOTION** was made and seconded to adopt the Manual for the Police Dept. Motion was unanimously carried.

Suv Miller asked Chf Easter if he planned to enroll the Police department in an accreditation program at some point. Chf Easter stated it is his intention to do so this year. He has already had 2 individuals from the department attend manager training in preparation to manage the program. Chf Easter informed the Board the whole accreditation process takes at least 2 years and sometimes longer. The Manual is the first step. When asked, Chf Easter stated the fee to enroll is \$100, which has not been completed at this point. Once the Manual is approved the enrollment will be the next step.

Suv Miller proposed the \$100 fee be approved to enroll the Police Department in the accreditation program. Suv Brensinger questioned the Chief if this fee was listed in his approved 2010 Budget. Chf Easter replied there is a line item for fees but not a specific line item for this particular fee. Suv Brensinger said he would agree to the enrollment fee as there are designated funds in the Police Department's 2010 Budget.

**MOTION** was made and seconded to approve the \$100 fee for enrollment of the Police Dept in the accreditation program provided by the PA Chiefs. Motion was unanimously carried.

**C.) Pertinent Issues; Introduction of Intern**

Chf Easter introduced Ryan Pitt as the Police Department's intern. He told the Supervisors that Ryan is a senior at Lebanon Valley College and is majoring in Criminal Justice. Ryan will be interning through the month of May.

**D.) 2010 Fire Police Roster**

The 2010 Fire Police Roster has been provided to the Board for approval. Suv Miller said he will make contact with Zinn's Insurance to obtain an answer about the liability coverage of the Fire Police, as he has a concern about it.

**MOTION** was made and seconded to approve the Fire Police Roster for 2010. Motion was unanimously carried.

Glen Kreiser questioned the type of training required for Fire Police. Chf Easter was asked to respond. He stated there is a basic training course all Fire Police are required to attend and complete. Once completed there are continuing training courses available to the Fire Police. Kresier asked if the testing is a written test.

**Fire Police (con't)**

Chf Easter responded he is not sure as the department is not involved with the actual testing process. The individuals go to a source that conducts the Fire Police training. Completion certificates are provided to the Twp for their records.

**TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine****A.) Resolution No. 28-2009 – Re-affirming adoption of 2010 Budget and Tax Rates**

During the December 21, 2009 meeting the Board adopted the 2010 budget. Resolution No. 28-2009 is being provided to the Board for adoption. The Resolution affirms the adoption of the budget and outlines the tax rates for the upcoming year. Although the Resolution is not mandatory it is helpful when researching information in the future regarding the tax rates and Mgr Grumbine feels it is important to adopt this Resolution to re-affirm the adoption during December 21<sup>st</sup> meeting. The 2009 number will be helpful for future research as the end of the year is where it will be looked for not the beginning of the following year.

**MOTION** was made and seconded to adopt Resolution No. 28-2009 approving the 2010 All Funds Budget and Tax Rates. Motion unanimously carried.

**B.) Resolution No. 4-2010 – Appointment of Alternate to ZHB**

During the reorganizational meeting of 1-04-10 an appointment was missed for the alternate ZHB member. Resolution No. 4-2010 is to re-appoint Dean Cover as the alternate to the Zoning Hearing Board. His term will expire 12/31/2012.

**MOTION** was made and seconded to adopt Resolution No. 4-2010 appointing Dean Cover as alternate Zoning Hearing Board. Motion unanimously carried.

**C.) Resolution No. 5-2010 – Annual Fee Resolution**

This Fee Resolution outlines various charges for specific services and is completed annually. The Board had been previously provided with drafts of this Resolution to review. Some changes are minor wording changes and some items were added as there were separate resolutions adopted throughout last year. The only changes in fees reflected are regarding submission of Subdivision and Land Development Plans. Plan review has become more and more time consuming. Therefore the increase in fees reflects the time spent on our review. The new fees will take place after adoption of this Resolution. Any current plans under review are not affected by the increase in fees.

**Suv Miller** questioned if the Athletic Association fees had been changed. Mgr Grumbine replied the fees have not been changed. The Resolution had been passed last year after the 2009 Fee Schedule had been approved. The fees are now being included in the 2010 Fee Schedule. Conversation followed pertaining to the fields and the locations of the fields. The requested maintenance for the fields and the rising costs of that maintenance prompted the Park & Recreation Board to research this issue. A discussion followed about the fees, the rising costs and the continued requests from the associations to maintain the fields in the quality condition that they preferred.

**Martin Barondick** suggested Suv Miller attend a Park & Recreation meeting in order to get the full scope of what this issue involves. Once he attends the meeting he will get the whole picture as this issue comes up repeatedly throughout the year, especially in the summertime.

**Dawn Hawkins** told the Board when her children were involved in any sports, there was always a fee to be paid by the parents. When the cost of this \$500 fee is split out over the total participants in the programs, the amount is very minimal, possibly a few dollars per child. Each sport makes the determination about how they are going to handle this fee, whether it is absorbed or a fund raiser is done. Another advantage is the associations have exclusive rights for use of the fields. Due to the \$500 fee that is paid the youth organizations have field rights should another team request use of the same fields.

Ms Hawkins also questioned the Subdivision/Land Dev fees that are suggested for increase. Her concern is that the resident's who wish to complete minor projects with their properties are not subjected to the fees the large developers are paying. Mgr Grumbine explained the chart is broken out into categories and goes according to the scale of the proposed project. The increase in fees is not in place until the amount of lots is 2 lots or more.

**MOTION** was made and seconded to approve Resolution 5-2010 outlining various fees for Twp services. Motion unanimously carried.

**D.) Resolution No. 6-2010; MOU with Lebanon County Conservation District**

The Lebanon County Conservation District Board of Directors has updated a fee schedule for services provided to municipalities concerning the "Animal Waste Storage Facility Memorandum of Understanding (MOU)". Our current MOU will expire making it necessary for the Twp to approve a new MOU and adopt the revised fees by the Lebanon County Conservation District. A copy of the new MOU has been provided to the Board for review.

**MOTION** was made and seconded to adopt Resolution 6-2010 adopting the County Conservation District's fees related to their services. Motion was unanimously carried.

**MOTION** was made and seconded to approve signing the MOU agreement for the County Conservation District. Motion unanimously carried.

**E.) Resolution No. 7-2010; NLT Safety Manual**

Suv Miller had been provided with a copy of the new Safety Manual after the re-organizational meeting in January as the other 2 Supervisors had received their copy previously. All 3 Supervisors have been provided with an itemized list of the revised information for ease of review. Mgr Grumbine is asking the Board to take action on the revised Safety Manual so that the new Manual can be distributed to the Twp employees.

Suv Brensinger requested the Board members receive a high-lighted version of the proposed Safety Manual. All the revisions being highlighted will be easier for the Board to see what the revisions were. The Board was in agreement to table the Safety Manual issue.

**MOTION** was made and seconded to table adoption of the Safety Manual. Motion unanimously carried.

**F.) Comments on TIS for Full Build-out of Lebanon Valley Rails Business Park (North 25<sup>th</sup> St)**

The Twp has received comments from PADOT regarding a Transportation Impact Study (TIS) that had been provided in September 2009 for the Lebanon Business Rail Park. The Twp had not received a copy of this Traffic Impact Study.

**TIS for Full Build-out of Lebanon Valley Rails Business Park (con't)**

Mgr Grumbine will be asking that the Twp receive any future submittals to PADOT. The Lebanon Rails Business Park located off N 25<sup>th</sup> Street on Hanford Drive and Windsor Drive is currently owned by the Lebanon Valley Economic Development Corporation. The Twp has not been made aware of any companies seeking to purchase a lot within the park. Mgr Grumbine stated it is her understanding that the EDC is having this study completed so any required improvements for future development are known up front and can be relayed to potential developers. She is providing this to the Board for informational purposes.

**G.) 2010 License Renewal for Mobile Home Parks**

The Mobile Home Parks are required annually to renew their Mobile Home Park licenses. Five of the seven parks located within the Twp have submitted their applications along with the \$100 fee. Submitted applications are: Countryside MHP, Lincoln Village MHP, Northcrest MHP, Ridgeway MHP and Sandhill MHP and have all submitted their fees. Lakeside MHP and Green Acres MHP have not submitted anything as of this time. Suv Miller questioned what will happen with the 2 that have not completed their applications. Mgr Grumbine told him a second notice will be sent. In the event that does not bring results, Sol Wolf gets involved.

**MOTION** was made and seconded to approve signatures on the Mobile Home Park renewal applications that have been received. Motion unanimously carried.

**H.) Non-emergency Activity Lists for Fire Companies**

Mgr Grumbine informed the Board that 2 of the 4 volunteer fire companies for the Twp have submitted their annual non-emergency activity lists for the year 2010. Glenn-Lebanon and Weavertown lists have been provided to the Board for review.

**MOTION** was made and seconded to approve the non-emergency activity lists for Glenn-Lebanon and Weavertown Fire Companies. Motion unanimously carried.

**I.) Notice from MPO – Long Range Traffic Profiles**

Mgr Grumbine informed the Supervisors that the MPO information that has been provided to them should be reviewed. If any of them has any comments or requests, they should submit it to her before or during the February 1<sup>st</sup> meeting. She would then provide it the MPO committee before the Committee's next meeting.

**J.) 2009 Right-To-Know/ Open Records Requests Summary**

A summary of all the Right-To-Know requests received in 2009 was provided to the Board. This was done just for informational purposes so that the Board can see what types of requests were submitted and how they were answered.

**SOLICITORS REPORT – Solicitor Frederick Wolf****A.) Update on Narrows Glen Screen Planting & Deed Requirement Issue**

The Board had approved the recording of the maintenance requirements concerning the screen plantings on certain lots within the Narrows Glen development. That document has been recorded in the Recorder of Deeds office. The lot owners and developer will be informed of the requirements.



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**B.) Homeowner’s Association Documents – The Crossings at Sweet Briar**

Sol Wolf reviewed the items he is handling regarding The Crossings Preliminary Plan. There was one revision to the Homeowners documents that was submitted to the developer’s attorney in December of 2009. Sol Wolf still has not received anything back from their attorney. A notice was sent to the attorney explaining this need to be completed in order to have the HOA documents recorded. A right-of-way agreement between Landmark and the church is another condition that has not been completed. This is concerning the sewer connections. The church has indicated they are waiting for Landmark to sign the agreements and then the church will sign also. The Authority and Authority Engineer will be reviewing the video of the sewer lines which was recently completed. It is Sol Wolf’s estimate that these items should be completed within the next 2 weeks.

**C.) Verizon Agreement – Hiring of Specialized Attorney for Multiple Municipal Review**

Sol Wolf reported that the other municipalities are hesitant to agree with hiring an attorney as some of them have not yet received any type of Agreement from Verizon. He anticipates some movement on this issue once a copy of the agreement is submitted to the remaining municipalities.

**D.) Update to Pre-treatment Ordinance**

Sol Wolf said this information comes from the City of Lebanon Authority. The City Authority is being told they must upgrade their treatment facilities. As part of the process Lebanon City Authority is required to update the pre-treatment ordinance. A copy of the proposed Pre-Treatment Ordinance has been provided to the various attorneys for the municipalities that utilize the Lebanon treatment plant. Once the Lebanon City Authority completes all the revisions submitted by the various attorneys a revised draft will be submitted to the municipalities’ attorneys.

**COMMENTS FROM BOARD MEMBERS****A.) Meeting with PADOT – Rte 343 & Kimmerlings/ Kochenderfer Road**

Suv Brensinger informed the public about a meeting that was held recently in Harrisburg. He had attended with Tom Kotay and Jon Fitzkee of the County MPO. The meeting was to discuss the intersection at Rte 343, Kochenderfer and Kimmerlings Road. This is one of the locations that are on the list for the County MPO and the possibility of a traffic signal being installed. The outcome of the meeting was not what was expected. According to the PADOT specifications the intersection does not meet the warrants for a traffic signal. Suv Brensinger said they were told there are some suggestions for making the intersection safer for travel. PADOT is considering placing thermoplastic intersection crossing road markings on the road surface of Rte343 (7<sup>th</sup> Street) to warn of the approaching intersection. They also suggested that NLT seek permits to install flashing lights to try to slow the traffic down somewhat. Conversation followed about the accidents and amount of traffic associated with this intersection. Suv Brensinger finished the discussion by saying this intersection is one of the areas that is on the County MPO list for future attention.

As there was no more business to conduct, the meeting adjourned with executive session for personnel and litigation matters to follow.

Respectfully Submitted,

Theresa L. George  
Recording Secretary