

**MINUTES
NORTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS
MARCH 2, 2009**

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
Kenneth C. Artz	Vice-Chairman
Cheri F. Grumbine	Township Manager

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

COMMENTS FROM THE PUBLIC

A.) Earl Roberts – W Kercher Avenue; Proposed Power Plant

Mr. Roberts started his comments by reminding the Board he had been in attendance last November regarding West Kercher Avenue and N 7th Street. One of the topics he commented on was the gray sludge piled on the property located at the corner of Rte 343 and W Kercher Ave. Within the past few months Mr. Roberts has communicated with several people including representatives of the developer for the proposed power plant. Roberts told the Board he is slightly ill at ease as he knows he is the newcomer in this area, having only lived here 5 years. However he feels his involvement is necessary because of what he is hearing and seeing with this issue. He reiterated his concerns expressed in November about the potential development of this area and the proposed change of use for the land.

Mr. Roberts stated he has since had the opportunity to speak to a property owner located within Swatara Twp who has been approached about the opportunity to sell his property to this developer also. Roberts said he has also attended 2 Supervisor meetings at Swatara Twp. At the second meeting he asked what information the Supervisors might have about this potential developer. He learned that the developer has requested a private meeting with the Swatara Supervisors, which was declined. The Supervisors invited the private developer to attend a public meeting for discussion which has, to date, not happened.

Mr. Roberts stated he has spoken to various other members of the community, some of which have chosen to attend the meeting this evening. An item of concern for Mr. Roberts is the lack of accurate information. There seems to be a lot of discussion and exchange of information but accurate information is missing. His wish is for the public to hear the accurate information instead of rumors. In meeting with the representatives from the developer, Roberts told the Board he was offended by the attitude displayed. Mr. Hains and he were made to feel as though this is a “done deal” and the 2 of them were a secondary consideration. He told the Board he is offended by the attitude that “money will speak” from an individual who lives thousands of miles away from this location. Mr. Roberts informed the Board he was made to feel as though there have been positive conversations with members of this Twp which promoted the developers’ representatives to openly display this type of attitude. When asked the representative for the developer would not be honest about whom he is representing. He stated he had learned from Swatara Twp Supervisors that private discussions with developers pertaining to land use are not legal. He mentioned a man that was in attendance during the November meeting who wished to discuss his proposal for land located on Rte 72. Mr. Roberts said he got the impression the Board did not want to discuss the issue with this man. The Board seemed hesitant to offer an opinion.

Mr. Roberts mentioned the classification of this area on West Kercher Ave as Intensive Agriculture. He referred to several years ago when meetings were held to create this classification. He remembers attending those meetings and is thankful to the Supervisors for their foresight to create this Intensive Ag zone.

Proposed Power Plant (con't)

However what the gentleman from Alabama is currently proposing is completely contrary to the use this land was preserved for. A power plant placed on agricultural land is not a good use of the land.

In conversations with Mr. Culver, representing the developer, Roberts has learned that this proposed power plant project will be 3 to 4 times larger than AES Ironwood which is located in South Lebanon Twp. This is referring to the generating capability not necessarily the plant size. The plant size may be 50 – 100% larger than AES Ironwood plant, according to Mr. Culver. Roberts said he was told that South Lebanon Twp receives approximately \$440,000 per year as tax revenue. He is mystified how the figure was arrived at but that is the figure that Culver has thrown out there. Mr. Roberts calculated some figures he estimates a power plant this size will generate within a year. He told the Board he does not have any idea what amount of financial commitment was offered to them but it is probably just a tiny fraction of the income the developer will benefit from when using NL Twp and Swatara lands. Mr. Culver has told Roberts several times that the developer he represents does not go where they are not wanted. It is apparent to Roberts that they are being made to feel they are “wanted” here. The question was not put to the property owners in this area. In his opinion someone has made this developer feel “wanted”.

Mr. Roberts closed his statements by requesting that some type of communication process be made available for the people in this community to hear, discuss and comment on the proposed development of a 950 mega watt power plant being developed at the corner of Route 343 and W Kercher Ave. He would like to believe the political system would provide for the public comment when something such as this thing will impact their lives. He stated that what the Twp is now contemplating will turn most of these people’s world upside down and he feels it is just not right.

Chm Brensinger thanked Mr. Roberts for his comments. He said he would like to try to respond, to the best of his ability, to some of the questions and comments Roberts has made. The first is that the only common thread concerning the gray sludge and the proposed plant is that the land is owned by the person who has a sales agreement with this developer. The gray sludge has nothing to do with the power plant proposal. Suv Brensinger felt it was necessary to clarify that for those in attendance tonight that are not familiar with the gray sludge topic.

The next response is regarding Mr. Sattazahn who was in attendance at the November meeting to discuss his proposal for land located on Rte 72. Suv Brensinger said Mr. Sattazahn did not receive a definite answer however he left the meeting with a more informed direction than when he first came into the meeting that evening. Mr. Roberts agreed with Suv Brensinger saying he feels that situation was the correct way to handle a request, in a public meeting.

In response to the Intensive Ag zone creation, he agrees there were many people who worked diligently to get this area rezoned. The idea was not to preserve agricultural land but rather to create a zone for Intensive Ag use should it be requested. This area was the best choice should any request for intensive operations be received within the Twp. Suv Brensinger told Roberts that the Twp Manager had listed on her Manager’s report a letter has been received from a company based in Nebraska pertaining to the proposed power plant. He asked Mgr Grumbine to explain the receipt and the contents of the letter.

Mgr Grumbine explained this is the first written communication she has received in regards to this topic. The letter is dated February 17, 2009 and is a notification letter from Tenaska, a Nebraska company, dated February 25, 2009 informing us that Tenaska Pennsylvania II partners is submitting a plan approval application for the acquisition of Emission Reduction Credits for the construction of a new Greenfield power generation facility was received. It’s proposed location is near the intersection of North 7th Street and Kercher Avenue. The site is to be fueled primarily by pipeline quality natural gas with supplemental ultra low sulfur fuel oil and will operate 8,760 hours per year. Various associated equipment which includes a cooling tower, auxiliary boiler, emergency generator, fire pump and fuel oil storage tank is also being proposed for the site.

Proposed Power Plant (con't)

All sources of air contamination for the proposed new facility will be covered under this plan approval process. A 30-day comment period begins upon receipt of the letter and all comments are to be directed to William Weaver at DEP South-Central Regional Office.

After receiving the application, Lebanon County Planning will be contacted to review the information. Mgr Grumbine said she went online to research the Tenaska Company. The research she has gathered will be shared with the Supervisors. She also shared a copy of the letter information with Swatara Twp the next day so they would be informed.

Chm Brensinger said the letter now provides a company name, which was not known before. This process will require a lot of work on the proposed developers end. There will be applications and permits of all types to be filed. NL Twp has our own applications and permits to file as well as County Planning. A rezoning request will have to be made, which requires a Public Hearing be scheduled. Mr. Roberts informed the Board his concern is that the public comment period is always at the end of the process after all the background work is completed. The newspaper has stated the first phase of this process has already been completed; Met Ed has completed the feasibility study. This process is moving forward. Mr. Roberts stated that environmentally, there is nothing to stop this plan. The real issue resides with the gentleman and ladies in NL Twp and Swatara Twp. The final decision rests with the elected officials. His concern is, will this company get the support of the people who determine these issues?

Ron Fortna said he feels Mr. Roberts' comments bear merit even if he has only lived here 5 years. However he and his wife live in Swatara Twp for 32 years. They have lived in Lebanon County their entire lifetime. They have some real concerns over this issue. He indicated Mr. & Mrs. Hains who were in attendance also. Their attendance here should tell the Board that the neighbors in this area are very concerned. In November he noticed red survey markers at the corners of his property and that was his first awareness that something was happening. When he approached the surveyors he was told one of the neighbors was having their land surveyed. He has heard some gossip at the grocery store. He had phoned both township offices where he received what little information the offices had to offer. They attended this evening hoping to learn more about what is going on with this proposal. The question of how the Twp representatives feel about this proposal is one thing he would like to know. He would also like to know how this will affect the financial worth of his property should he wish to sell. These are all concerns he and his wife are experiencing.

Chm Brensinger tried to explain his thinking on this issue. He referred to when AES was constructed. Even though this plant was located in South Lebanon Twp, the NL Twp office received more complaints from their residents than S Lebanon got from their residents. This occurred because of the gas main which was installed through NL Twp areas to get to S Lebanon. When considering the impact of AES on the community, other than a constant stream of smoke, it has affected us very little. Mr. Roberts repeated Mr. Culver had told him the physical footprint of the plant will require at least 40 acres, which makes it very much larger than the AES plant.

Martin Barondick questioned the amount of tax revenue a plant this size would generate for the Twp. Mr. Roberts told Barondick he is not sure of how an assessment is completed. He does not know if it is done according to the generating capacity or the appraised value of the property. Mgr Grumbine informed everyone that when AES first was built South Lebanon was disappointed to realize the assessed value was on the facility itself, not the actual cost of construction. It is Mr. Roberts hope that if the Twp is even considering this plant that they tap into the cash flow, as it is going to be huge. Mgr Grumbine stated she does not think that would even be possible. Roberts disagreed with her on this issue. Barondick voiced his opinion that Roberts needs to pack this meeting room if he truly wants to stop this plant. This Board has always been pro agriculture and now would be the good time for the Supervisors to "dig in" and say we want no parts of this.

Suv Brensinger said he is curious about the amount of acreage that is being talked about. The plant is supposedly going to cover 40 acres and they are trying to purchase 400-500 acres. What is planned for the rest of the land? Has anyone asked that question? Mr. Roberts replied that he and John Hain had been told the need for so many acres is twofold. One is to create a buffer zone and the other is to maintain a certain sound level at the fence line. Another consideration is that 400 acres for rezoning is more preferable than 30 acres for rezoning.

Mr. Fortna expressed his concern about the number of acres being sought for this project. He remembered when Alcoa came into South Lebanon Twp in the 60's. They purchased 5 large farms to develop their plant. Today there are at least 12 large steel buildings housing all types of businesses as well as a gas station. He can't help but wonder if this company might be looking to the future for developing with these types of options.

B.) Bob Hoffman; Hanford Drive Enforcement

Mr. Hoffman questioned who enforces the roadway at Hanford Drive. The trucks are traveling in and out of there and is being tracked mud everywhere. The construction company that is working there currently uses everybody else's driveway and is driving over the stormwater drain that was installed but does not construct the one for the property they are working on. He said the trucks are also using Windsor Drive, which is posted NO Trucks permitted. Chm Brensinger said he would communicate to the Chief so the officers can patrol the area.

Hoffman next questioned the progress with Kreider's proposed chicken houses. Chm Brensinger said there is not any new information. The Solicitor is still working on the exhibits that will be a part of the trucking agreement. There has been no submission of a new plan to date. Suv Brensinger stated that these types of issues are discussed at the second meeting of the month when the Solicitor is present.

C.) Glenn Kreiser; Lenni Lenape Fire Wood

Mr. Kreiser questioned how many cords of firewood were cut. Suv Brensinger reported he thought it was about 6 or 7 cords of wood were cut and are being sold.

APPROVAL OF MINUTES

MOTION was made and seconded to approve the minutes from February 16, 2009. 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.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine

A.) Letter from Tenaska dated February 17, 2009

This topic was discussed previously, no further comments were necessary while discussing the Manager's Agenda Report.

B.) Authorization to Bid Fuel/Paving Projects for 2009

The Board has been provided with paving bid specifications for the two road areas scheduled for paving in the 2009. The project involves a small area on Redwood Lane and Poplar Lane where the street is deteriorating. Due to the small paving project for 2009 the bidding is being done for paving equipment and crew only. The Twp is looking at hauling the material ourselves under the State Contract to cut down on expenses. The advertisement for award of bids for our paving projects would be April 16, as well as the fuel bids that had been previously discussed.

Bid Fuel/Paving Projects for 2009 (con't)

MOTION was made and seconded to authorize advertising for bids for the 2009 paving project and fuel. Motion unanimously carried.

C.) Recycling Coordinator; Request to Attend PROP Conference – July 28th – 31st

The Board is receiving a request from Bonnie Grumbine, the Twp Recycling coordinator, to attend this year's annual conference in Scranton on July 29-31st. Varied topics such as the recycling market, environmental concern changes since Act 101, improper disposal practices, grant funding, communicating benefits of recycling and several roundtable discussions are planned. Attendance at this conference session will count towards Bonnie's recycling certification. The conference expenses were included in our current DEP 902 Grant Application. However as of now we have not received confirmation of the application through DEP. Notification is expected to be received in November.

MOTION was made and seconded to approve attendance for the Recycling Coordinator at the 2009 PROP conference in July. Motion unanimously carried.

COMMENTS FROM BOARD MEMBERS**A.) Suv Ken Artz**

Suv Artz stated he appreciated Mr. Roberts attending the meeting tonight to share his comments with the Board. Although the Supervisors are the deciding factor in these issues, the input they receive from the public during the Public Hearings are heard and are considered when making decisions.

As there was no more business to conduct or discuss the meeting adjourned.

Respectfully Submitted,

Theresa L. George
Recording Secretary