

**MINUTES
NORTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS
APRIL 21, 2008**

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
Dawn M. Hawkins	Treasurer
Cheri F. Grumbine	Township Manager
Harold L. Easter	Chief of Police
Solicitor Frederick S. Wolf	Henry & Beaver LLP

Also in attendance was Kathy Hackleman of the Lebanon Daily News, Roger Sands of the Patriot News and many other individuals. The meeting was called to order and the pledge to the flag was done.

COMMENTS FROM THE PUBLIC

A.) Adam Furfari – Donation/Award to Police Department

Mr. Furfari was introduced by Chm Brensinger. Mr. Furfari started his remarks by explaining he represents Realistic Karate which is a martial arts school located in Annville. A tournament was held last month at the school. He discussed the principles the martial arts school is based on. In order to pay tribute to the civil servants this kick boxing tournament was held as a fund raiser. Police department and Fire department members were invited from several different areas to participate. Sgt Knight attended the tournament along with some of the other officers. Mr. Furfari presented Sgt Knight with a 1st place trophy. Also presented was a check in the amount of \$600 to the North Lebanon Twp Police Dept. Sgt Knight introduced Officer Andrew Herberg from North Lebanon Twp and named the other participants. He told Furfari he appreciates the support offered to the Police Department.

B.) Landmark Homes – ARD Ordinance

Cliff Weaver and Paul Zimmerman of Landmark Homes were in attendance tonight. Paul Zimmerman presented a letter to the Board of Supervisors for a Zoning Amendment request regarding Age Restricted Developments. Mgr Grumbine informed the Board she and Sol Wolf had met with County Planning Dept today to discuss some of their thoughts on this proposed Ordinance.

The Board has been provided with a copy of the Ordinance containing County Planning's suggestions. One of the issues discussed was keeping the types of housing to strictly single family dwellings in the R2 district. A smaller lot using townhouses would be too small when considering the size for a townhouse setting that is currently used. The next item was revising the dwelling units from 8 to 6 units considering the square footage of the lot. Garages and driveways being used for off street parking spaces is listed. It continues on to mention that no parking in the streets will be permitted. Mgr Grumbine stated they were not sure if that is the direction they wanted to take due to family gatherings that might occur. Garages and driveways probably would not provide enough parking. Additional parking issues were items that they were not sure about, such as satellite parking areas. Another item mentioned prohibits the parking of certain types of vehicles within the community. Mgr Grumbine suggested that issue is something the Association declarations would govern. Suv Hawkins asked if the definition of a through street was included and was told that the Ordinance provides for the thru street to be determined by County Planning and Twp staff.

Landmark Homes – ARD Ordinance (con't)

Mr. Zimmerman mentioned the conversation which was held during the Planning Commission meeting. A discussion had taken place about the footprint of the house within the cluster design versus the non-cluster design. The Commission felt the ratio should be revised to get the square footage closer in size. Mgr Grumbine explained the Planning Commission had discussed and offered their suggested revisions. They would be ready to make a recommendation at their next meeting. Mgr Grumbine told the Board we are at the point that a date for a public hearing should be scheduled for the proposed Ordinance.

Sol Wolf said an advertisement must be completed twice, not more than 60 days and not less than 7 days before the hearing. If Scott Miller is able to email a copy of the document to the Twp office so that Twp revisions can be made and circulated to the Planning Commission and County Planning for final review and comment, the Twp should be able to schedule the hearing for May 18. All advertising requirements can be met using this timetable.

Spring Creek Update

Paul Zimmerman asked if they could discuss some Spring Creek issues. Mgr Grumbine indicated she was prepared to discuss this issue if he would like. Suv Brensinger asked for confirmation of what is being requested. He understands the question is pertaining to the 7 lots that front Kimmerlings Road. Paul Zimmerman explained there is some consideration by Landmark to purchase the Spring Creek property. However Landmark would like to get an opinion from the Supervisors regarding the 7 lots that front Kimmerlings Road. The question is in reference to the curbing and sidewalk requirements that had been included in the Spring Creek plan. Landmark is suggesting that the 7 lots be subdivided and offered for sale as individual lots, retaining their R-1 zoning status. Landmark would contribute to the road overlay for Kimmerlings Road. The stormwater would be designed to run to the rear of these properties in temporary basins. Once the rest of the development gets constructed the stormwater would then tie in with the developing of the rest of the property and the temporary basins would be removed. The remainder of the Spring Creek property would then be incorporated into The Crossings at Sweet Briar private community and would be under the Association's declarations.

Mgr Grumbine told the Board that the NLT Planning Commission had discussed this issue at their last meeting. Suv Artz asked what comments they had to make. The Commission mentioned that because the stormwater will be flowing south and the Twp is looking at widening the road, Landmark should agree to widen their portion of Kimmerlings Road in preparation for the Twp's widening project and have Landmark make a contribution to the overlay project and we complete the overlay ourselves.

The Board was in agreement that they found the separation of the 7 lots along Kimmerlings Road to be acceptable as long as Landmark was willing to discuss the widening of Kimmerlings Road along that same area and overlay of their portion because of the utility costs. The overlay costs could be set up as a contribution to the Twp to cover their costs. The Twp would include with their paving bids when ready. Cliff Weaver said the next step would be to bring a plan to separate the 7 lots off the rest of the property if they go through with the purchase of the Spring Creek property. Weaver and Zimmerman thanked the Board for their time.

C.) Martin Barondick – The Plan Process

Mr. Barondick explained he is thoroughly confused by the planning process. He is confused as to why some issues go to the Zoning Hearing Board, some go to the County Planning and Planning Commission and then some issues come back to the Supervisors. He finds the whole thing very confusing. Why can't it be simpler?

Mgr Grumbine told him the issues are dealt with according to the Municipality Planning Code (MPC). Sol Wolf explained the functions of the Zoning Hearing Board and which situations make it necessary to come back to the Board of Supervisors.

D.) Bob Huffman – Ebenezer Road

Mr. Huffman questioned the use of “jake brakes”. In the middle of the night it makes an awful noise and vibration at his home. Is the Twp able to post signs that the brakes are not permitted? He would like to see the Twp pass an Ordinance not allowing the use of these brakes. Some conversation followed and Barondick stated he, personally, liked the sound of the “jake brakes”. No action was taken by the Board.

APPROVAL OF MINUTES

MOTION was made and seconded to approve the minutes from April 7, 2008. Unanimously carried.

APPROVAL PAYROLL and PAYMENT OF INVOICES

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

CHIEF OF POLICE REPORT - Harold Easter**A.) Calls For Service – March 2008**

Chf Easter updated the Board on the calls for service from the month of March. A total of 247 calls for service were logged in the month of March with Wednesday being noted as the highest day for calls.

B.) EOP Update

Chf Easter reported to the Board that the work on revising the Emergency Operations Plan (EOP) for North Lebanon Township has been ongoing. The EMA director for North Lebanon Twp, Ron Miller has been in contact with the Police Dept on the revisions and Chf will report to the Board as this project moves forward.

C.) Consolidation of NLT Fire Police – Resolution to be Adopted

Chf Easter reminded the Board about the previous mention of consolidating the 4 Fire Company Fire Police units into one unit. This consolidation has now been agreed on and the Board has received a list of requirements and regulations for the Fire Police unit. The unit will be under the direction of the NLT Police Dept. Sol Wolf had reviewed the document and made a few suggestions. Chf Easter told the Board if they would like to move on it tonight, approving the rules with the revisions being complete; he would be fine with that.

Chm Brensinger explained to the Chief he would like to wait to review the information after the suggested changes are made by the Solicitor. It was agreed to table the approval of the rules and regulations until next meeting.

D.) Request from Bethel Township

Chf Easter announced the NLT Police Dept has received a request from Bethel Twp. The request involved “limited” Police service for Bethel Twp. It seems Bethel Twp is not receiving the attention that is needed by using the services of the State Police. Chm Brensinger questioned the Chief if he has had any further communication from Bethel Twp. Chf Easter replied other than the initial request to speak to North Lebanon, he has heard nothing. At this time Chf Easter responded that we are waiting to hear from Bethel Twp as to a time to sit down and “talk”.

Martin Barondick asked Chf Easter if he thinks this is a wise thing to pursue. He voiced his opinion that we already have contracted to offer services to West Lebanon Twp, which is not a big deal as we are neighboring municipalities and West Lebanon is a very small community. However Bethel Twp is a very large area to cover. He is concerned about the NLT Police Dept “being spread too thin”. The people of NLT have a good Police Dept and do not want to suffer due to another large municipality making demands on the Police department. Barondick said Bethel Twp should really have their own Police Dept as large as they are. Another issue he has is with the wear and tear on our vehicles.

Request from Bethel Township (con't)

Chm Brensinger pointed out that the original request was to “sit down and talk”. At this point we have not heard what exactly they have in mind. Barondick told the Board we have a good Police Dept and he does not wish to see the taxpayers suffer insufficient Police coverage because of another municipality who has problems maintaining their own Police departments. Chf Easter assured Barondick NLT residents will not suffer insufficient Police protection. Chm Brensinger stated that at this time we will wait to hear from Bethel Twp to schedule a meeting time.

Robert Huffman – Speeding on Rte 72

Mr. Huffman asked Chf Easter if there could be more police evidence Rte 72 especially in the morning when the school buses are operating. He said the speeding is terrible in the morning. His concern is that there will be a tragedy. The traffic light intersections are bad also. The other thing he mentioned is the 15 MPH school speed zone sign. Chf Easter said the department cannot enforce that sign because the signage is not done properly. He told Huffman the school has been advised to complete the proper signage so that the 15 MPH can be enforced. To date the school still has not complied. Also he will make a mental note about Huffman’s speeding observations.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine**A.) Fuel Bids; Tabled from April 7th Meeting**

The issue of fuel bids was tabled during the April 7 meeting due to the receipt of only 1 bid which was for 2 of 4 items. Mgr Grumbine has reviewed with Sol Wolf so that he may offer an opinion on this issue tonight. Sol Wolf prepared a MEMO which was provided to the Supervisors. The Supervisors may reject all bids if it is determined that the rejection is for the best interest of the Twp. Chm Brensinger clarified that we are talking about the Fuel Bids only. Mgr Grumbine confirmed that the bids being rejected are for fuel bids only.

The Board discussed the options they felt would be the best. They agreed to reject the bid received.

MOTION was made and seconded to reject the only fuel bid received and then rebid the whole fuel package in hopes of getting competitive bids. Unanimously carried.

Mgr Grumbine mentioned the bid for paving which was received from Pennsy Supply. This issue has been placed on hold also due to communication needed from L&I. There is a question of whether or not the project will fall under prevailing wage laws. It seems there has been controversy on this subject recently and we are waiting until a response is received from L&I before proceeding. Sol Wolf said the Twp should be able to get a prompt answer from L&I about the prevailing wage questions. Chm Brensinger said his concern is about what they are considering prompt. The one issue we are discussing for 3 years already. Mgr Grumbine said it was a week ago since she had emailed. She said she would call the legal department to get an answer. There was more conversation about the prevailing wage issue. Sol Wolf suggested that when communicating with L&I we ask if we can award the project to the lowest bidder and find out what the prevailing wage is at the time. It is hoped we will get a response from L&I before the 45 day time limit listed in the bidding process is up. Should we exceed the time frame, the bids would have to be rejected and the project will have to be re-bid.

B.) Resolution No. 7-2008; Removal of Nine Forty-One Farm from Ag Security Area

A request from Landmark Homes had been received to remove the Nine Forty-One Farm from the NLT Ag Security Program. The property is being considered for development of an age restricted community. Resolution No. 7-2008 is being presented to the Board for removal of the property from the Ag Security program, which will include all 102.38 acres. After a decision is made about adoption of the Resolution, the adopted Resolution will be recorded in the Recorder of Deeds office, confirming the removal of this property.

MOTION was made and seconded to adopt Resolution No. 7-2008 for the removal of Nine Forty-One Farm from the NLT Ag Security Program. Unanimously carried.

C.) Resolution No. 9-2008; DCNR Grant Application – Lenne Lenape Park Phase 1 Construction

Lauren Zumbur, a representative from Rettew Assoc. had attended the April 7 meeting to discuss Phase 1 of the Lenni Lenape Park and the items the Recreation Board is proposing to be included in a grant application to DCNR. There are a total of 3 documents the Board is being asked to act on tonight:

(1) Resolution No. 9-2008; (2) certification; (3) signature page of the Grant application.

Also a letter which was received today must be included with the application.

Resolution No. 9-2008; DCNR Grant Application (con't)

All of these items must be included with the Grant application which is due April 24, 2008. Resolution No. 9-2008 authorizes the Assistant Twp Manager to sign the signature page for the Grant application and Grant agreement. It also acknowledges the “the terms and conditions of Grant” if we are awarded a grant. As had been previously discussed we are responsible for budgeting our matching portion of the Grant and any amount above the Grant award to complete the project. Lauren explained that we have 3 years to complete the project.

Mgr Grumbine reminded the Board that award announcements are expected to be made in the fall of 2008. Once the Grant is awarded we would have 3 years to complete the project. Suv Hawkins verified this is for just the one phase Lauren had discussed. The amount applied for is \$200,000 which the Twp must match.

MOTION was made and seconded to approve Resolution No. 9-2008 authorizing the Ass’t Manager’s signature on the signature page/ grant agreement and the terms and conditions, of the Grant as well as the itemized letter which dated April 21, 2008 to DCNR. Unanimously carried.

D.) Resolution No. 10-2008; Rules & Regulations – Compost Facility

After a recent incident with the Yardwaste Facility, a review of all the rules and regulations was completed. Some revisions were made to clarify our existing rules which are posted on the fence at the facility. Resolution No. 10-2008 will update the rules and regulations that are provided to card holders when they renew or apply for new cards. Mgr Grumbine reviewed a list of all the revisions added to the written list of rules. After some discussion Chm Brensinger said he would like to table this issue until he can discuss some wording changes he would like to make. The Supervisors agreed to Ed’s suggestion.

E.) Kreider Chicken House Project

Mgr Grumbine reported to the Supervisors on a demonstration that had been completed on Tunnel Hill Road on Thursday April 3rd. The demonstration was to see if a chicken truck could make the turn into the farm lane without going onto private property. The demonstration was videotaped from 3 different angles and Mgr Grumbine has requested a copy for Twp files. Two flaggers were used to stop traffic in both directions to allow the truck to cross the lane of travel in order to make the turn. Dan Kreider was present, as well as representatives from LCPD, Rick Bolt-County Engineer, Twp staff and several employees from Matthew & Hockley-the engineering firm for the Kreiders. Two of the neighbors, Mr. Wampler and Mr. Kreider were there to watch the demonstration and took a few moments to speak with Dan Kreider.

The right-of-way had been staked off by the engineering firm so everyone could witness the turning and the truck’s ability to stay within the R-O-W. A turn from Tunnel Hill Rd, onto the lane, traveling the lane, turning around and leaving the property was part of the demonstration. The right-of-way was maintained at all times according to those watching. Mr. Kreider stated there would be a total of 6-7 trucks per chicken house (2 being proposed) and would be emptying the same way or a few days apart. The rotation is on a 9-week schedule (7 weeks plus 2 week clean out). According to all who were present and witnessed this demonstration the ongoing problem has been resolved using this process. Sol Wolf has agreed to proceed preparing an agreement outlining Kreider’s responsibilities as the property owner and some of the other issues from the past which had been discussed regarding this issue. Mgr Grumbine reported the Twp has received no plan submission to date.

Kreider Chicken House Project (con't)

Brad Agustman of Ebenezer Road, questioned the 2 flaggers. Is this to be a continuous ongoing process? Chm Brensinger said it is not his guarantee to give but that is what will be placed in the agreement. The flaggers are what will be required of the Kreiders. The Twp and PADOT will be relieved from any liability issues by making this the Kreiders' responsibility. Agustman asked if this video is available for the public to view. Mgr Grumbine told him the Twp has requested a copy however we do not have a copy as of yet. Mr. Agustman said he has driven trucks himself and he knows the only way this turn could have been made was to slide the axles on trailer forward. Suv Brensinger agreed that is what happened. Agustman said the trailer, when loaded with chickens, will be overweight for the road.

Martin Barondick asked about the pipe located at the bottom of the lane? Suv Brensinger stated the pipe is not the Twp's responsibility. He then asked why the chicken houses are not being located on Oak Street with Kreider's other chicken houses. Barondick was told this location is for Dan Kreider, Harold Kreider's son. There are a lot of questions and issues with this proposal.

Bob Huffman of Ebenezer Road raised the question of the feed trucks which will be making deliveries to the chicken farm on a regular basis. These trucks do not have sliding tandems. Then the next question is the waste from the farm. Is he planning on taking care of it there or having it trucked out? There are some trucks going back the lane to get to the farm. Will there be another demonstration to see how these trucks are going to navigate the lane?

Joe Bonalle voiced his opinion that the truck driver that was videotaped might care about the other people's property but what about the truck that is traveling in there are night. Do you really think he is going to care about staying in the right-of-way? He is not going to care, said Bonalle. What about wintertime? Bonalle said he wants an answer about the pipe in the lane. Whose responsibility is it? He is not going to be financially responsible for damage done by chicken trucks. Another concern he has is in regards to liability when pedestrians walk in his lane to see the horses. What if someone gets hit by one of these trucks? Whose liability is it?

Several more comments were made regarding the condition of the private lane and the suspected damage the trucks will do to the lane. Another question was asked about the direction of travel the trucks will use to get to the property. The talk then moved onto fire trucks possibly being needed. Bonalle reminded the Board of everything he had to go through to build his house several years ago. The wetlands were a big issue for him. Will it be the same way for Dan Kreider? Mgr Grumbine replied that will be an issue the County Engineer will be addressing once a plan is received.

Bob Huffman challenged the Board to consider what is good for the community that lives in that area. Bonalle said that he is concerned about how this proposed agreement will be enforced. Sol Wolf said there are issues which will be included in the agreement that allow the Twp avenues to enforce the agreement about flaggers.

Tod Savidge questioned the environmental impact on the wildlife with having these trucks travel in the wetland area? Mgr Grumbine replied that will a part of the plan review once the plan is submitted.

Suv Brensinger said there are many questions that will need to be answered once the plan is submitted for review. The bottom line is that the access lane is Kreider's right-of-way to his property and he has rights as well as the other property owners that live in this area. Mr. Kreider's rights cannot be denied without a legal reason being given, such as an Ordinance that is not being compiled with. Mgr Grumbine reminded everyone that the neighbors will be notified by letter when the plan submission is made to the office.

F.) Pertinent Matters**1. Invite from Senator Folmer**

Mgr Grumbine reminded the Board of an invitation received from Senator Mike Folmer to attend a Government Roundtable discussion scheduled for Thursday, May 15th from 7-9 PM at the Lebanon HACC campus. An RSVP has been requested by May 1st. After some discussion all 3 Supervisors indicated they would be attending.

ZHB Case 2-2008; Ray Herb Jr. (con't)**2. ZHB Case 2-2008; Ray Herb Jr.**

Mgr Grumbine told the Board a Zoning Hearing has been scheduled for Tuesday, April 29, 2008 @ 7PM. The hearing involves Lot #8 of the Jonathan Leffler Industrial Park. Three different variances are being requested; residential district, the 150' set back and having 2 principle structures on one lot. The Board discussed attendance at the meeting. Suv Hawkins suggested the Board attend as a unified Board. Suv Brensinger and Suv Hawkins both indicated they would attend.

SOLICITORS REPORT - Frederick S. Wolf**A.) N 11th Avenue RR Crossing**

Sol Wolf reported this is an ongoing issue which is still with the courts. The legal brief from the Railroad was due today. The brief from the municipalities is due in 30 days. He will keep the Board updated on this issue as it goes along.

B.) Athletic Association Agreement; Finalized & Waiting on Athletic Assoc Response

The agreement had been forwarded to the youth sports associations for their review. We have to date received 3 of the 4 signed agreements back with no adverse comments reported. We have not received the agreement back from the football association.

C.) Progress on North/South Lebanon Relief Assoc. Split

Sol Wolf reported both new Associations, North Lebanon and South Lebanon, have now been formed. Lists of all the equipment have been completed and reviewed. The list of shared equipment will be on hold until after the final audit is completed. At that time the equipment will be split up as well as any joint funds.

D.) R-O-W Obstruction Draft Ordinance No. 2-2008

The Board has had the opportunity to ask for revisions on the proposed Right-of-Way Ordinance. The revisions have now been added to the document. In order to save expenses this Ordinance will be advertised for a Public Hearing the same time as the Zoning Amendment request from Landmark Homes regarding the Age Restricted Development Ordinance. A public hearing date of May 18th, 2008 will be advertised.

E.) Dedication of Windsor Drive

Sol Wolf reported there has been action on the remaining items that need to be addressed for the dedication of Windsor Drive. He said it has been complicated by several issues. The Lebanon Valley Economic Development Corp, the Maeders, and a right-of-way agreement are all issues that had to be resolved before any dedication is completed. The punchlist that had been prepared by the Twp Roadmaster has now been completed by LVEDC and we can move forward with review of the deed information regarding this dedication.

F.) EIT Update

Sol Wolf stated the EIT Board has voted in favor of allowing the municipalities to have representation on the EIT Board. Now votes must be taken from all the School Boards. It was decided to have 1 municipal representative from each school district on the Board. Once the school districts vote on this issue, the EIT executive committee will move forward with municipal representatives should it be decided by the school districts this is the way to go with the EIT Board membership.

A lengthy discussion followed about the various issues the EIT Board is considering.

G.) Code Enforcement Issues

Sol Wolf told the Board he has discussed several Code Enforcement issues with Officer Wengert, Mgr Grumbine and Bonnie. There are several outstanding inspection fees which we must now try to collect. These complaints are not moving along as quickly as it had in past situations. He and Officer Wengert will continue to try to collect these outstanding fees. As these complaints come into compliance Mgr Grumbine will report it to the Board. The ones which remain non-compliant will be taken to court for legal action.

A question was asked about a property that had been under review in the past. Sol Wolf explained the process Officer Wengert uses when dealing with some of these complaints. He has a list for the property owner and a timetable. Officer Wengert monitors the progress of the property owners. As long as there is progress he will work with the owners. When there is no attempt made is when the issue moves forward with charges to the court. A variety of questions were asked about the process Officer Wengert uses when dealing with the property owners. Sol Wolf and the Board were in agreement that Officer Wengert does an excellent job of dealing with the property owners on a one-to-one basis first before any other procedures are used.

COMMENTS FROM BOARD MEMBERS

A.) Chairman Brensinger announced the Twp offices will be closed Tuesday, April 22 due to Election Day and the use of our building as a polling location.

B.) Closing of North 25th Street @ Tunnel

An announcement was made about the closing of N 25th St on Friday April 25, 2008. The area at the tunnel, which is located behind the Lebanon Valley Mall, will be completely closed due to sewer work being completed for the SABVI location.

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

Respectfully Submitted,

Theresa L. George
Recording Secretary