

**MINUTES
NORTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS
MAY 4, 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
Dawn Hawkins	Treasurer
Cheri F. Grumbine	Township Manager

Also in attendance was Brad Habecker 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 Ave; Tenaska Energy Company

Mr. Roberts started his remarks by saying he had attended these meetings twice before to discuss the issue of a proposed power plant located in North Lebanon Twp. During those meetings he provided information to the Supervisors about the proposed power plant and the dealings the property owners were having with representatives for this power plant. This evening there are many individuals in the room who have been contacted by and/or had discussions with the representatives of this power plant. He said he does not feel the need to provide any more information to the Board.

Roberts said he has several comments he would like to make tonight. His first was in reference to a previous meeting in November when Solicitor Wolf stated the public would have the opportunity to make comment prior to the development of any power plant. Roberts had replied the Public should be permitted to comment before all the pages of engineering work are completed. He feels the public, by that point in time, only gets to review the various permits and associated paperwork instead of getting the chance to comment on the original idea. To this point in time he said he knows of 3 situations that have occurred. Mr. Roberts stated he has knowledge that the Commissioners and the Supervisors have met, privately, with the power company people. He feels that would have been the time to ask for Public comment. When the power company provided notice to Met Ed that they were going to develop a power company would have been the time for Public comment. Also when the Township officials contact certain family members and encourage sale of their property would be a good time for Public comment. When the option to purchase 3 different farms was secured, would have been a good time for Public comment, according to Mr. Roberts. A good time for Public comment was when surveying was being completed and the pins were being placed. Once the power company had filed for an air emissions, which has already been done, would have been a good time for Public comment. When gas line representatives started contacting various property owners on behalf of the power company would have been another good time to allow Public comment. Roberts said the final event was when Tenaska Energy released a press release announcing its intent to develop a power plant in Northern Lebanon County.

The next issue Roberts wanted to comment on was the current Ordinance for the Twp's Intensive Agricultural Ordinance. He had participated in the creation of this Ordinance. When he had brought up this issue at the last meeting he was reminded that although this area was zoned for intensive Ag, it was not placed in preservation. Section 301A of the Ordinance was read by Mr. Roberts. He next read a portion of the press release made by Tenaska in reference to conducting "a study". Mr. Roberts stated this in not a study being conducted. Tenaska Energy already has millions of dollars invested in this project. They have agreed to pay 2 million dollars for one property already, according to Roberts.

Tenaska Energy Company (con't)

As a summary Roberts told the Board he feels a full explanation and disclosure of what is going on should be provided to all the people here this evening, the people of this Township and the people in the surrounding areas. He feels all their lives will be affected by what is going on all around this area. He told the Board this is a deplorable situation. The people who represent the Public are not, in his opinion, representing the Public.

Mr. Roberts said he had attended a meeting at Swatara Twp and was told that Mr. Culver was expected to attend their meetings. Mr. Culver at the last minute backs out of attending the meeting. Now that the Hain family has agreed to a sale, Mr. Culver no longer needs to go to Swatara Twp. At this point the power plant will no longer be in Swatara Twp but will be located in North Lebanon Twp, which is where Dan Culver has announced he wants the plant to be. Roberts questioned why is it that Culver no longer wants to deal with Swatara? Chm Brensinger replied it is his understanding that the power lines and gas lines are already in place in this area. The third item needed to operate the power plant would be a water supply. Brensinger said he would assume the water would be supplied from the City Water Authority. Roberts stated he had heard it would be the Northern Lebanon County Authority to supply water, which would be the effluent water.

A discussion about eminent domain and right-of-ways was held between Mr. Roberts and Chm Brensinger. Suv Brensinger discussed the path that the gas line had to take to get to the AES plant located in South Lebanon Twp. It did not make a straight line as the company had originally hoped. There were some deviations that were made due to conflict with property owners. Regardless of the difficulties with the gas line the AES plant went on with construction. Roberts stated he had heard, second hand or third hand, that Dan Culver will be attending the Supervisors meeting in June. Chm Brensinger said Mgr Grumbine can comment further on that thought. Roberts insisted the timing of Culver's attendance will be planned in a manner when he will have made all the deals before the public gets the chance to comment and/or dissent this proposal. Roberts said he will have the deal "locked down". Suv Brensinger told Mr. Roberts that he can assure him that it will not happen that way. Brensinger said any Land Development Plan of that scale will never be near approval. Not to mention this Board has not even seen a plan yet. The Board has had tid bits of information they have been hearing. Roberts asked why this company would be willing to invest millions of dollars in permits if no approvals have been given to date. Suv Brensinger repeated the Board's one comment to DEP when responding to the Tenaska application to DEP for acquisition of Emission Reduction Credits for a proposed generation facility was that the property is not zoned properly and will have issues that will need to be addressed. Roberts repeated his question, why this company would invest millions of dollars when they were unsure of getting an approval.

Mr. Roberts referred to the young couple who has opened and are operating a landscape/ design business. This property is sandwiched between 2 large farm properties Tenaska is seeking. Roberts asked Culver if he has approached this young couple and was told he has not. Apparently last week Culver finally got around to talking to this young couple. He supposedly told the couple he is not worried about their property, according to Mr. Roberts. Roberts went back to his original question, what can we as residents of this Township do to ensure that everyone of us has a say in this issue? Chm Brensinger replied he is doing what he can do. He is making Public comment and the Board is listening to what he is saying. Mr. Roberts said he would like to know if there is something that is being said in certain circles that the property owners are not aware of. It does not seem right when someone comes around soliciting to buy properties and will not be honest and up front with the property owners. This person seems to know more than the property owners know. Roberts said he just does not understand how something like this can happen! Chm Brensinger told Roberts he is sure if he was in Roberts position he would feel exactly the same way. He is doubtful if he would have entertained any offers either. Suv Brensinger said he totally understands how Mr. & Mrs. Roberts feel about their property and calling it their home. Mr. Roberts said he cannot explain how it felt to come home on Sunday afternoon and find a surveying pin in their front yard indicating that the power plant will be literally at his front door. Mr. Roberts asked if there will be a public meeting with Mr. Culver?

Tenaska Energy Company (con't)

Mgr Grumbine stated she had contacted Culver last week to ask about some of the things we have been hearing from the residents. She asked him to attend a meeting and discuss some of these questions and comments. Mr. Culver agreed to attend in June or July, when the schedules can be worked out. Culver has agreed to attend and discuss this with the Supervisors and any residents who attend. Culver stated he would meet one-on-one after the meeting with any residents who wished. Roberts told Mgr Grumbine he thinks this meeting is a pointless exercise. He reviewed some of the events with the Hain family last year and up to this point. Mr. Roberts' opinion is that Culver is manipulating and stalling for time so he can appear at the meeting with signed property sales in hand, which would make Tenaska a done deal, according to Roberts.

Suv Hawkins commented she has been silent up until now because she has not had anything to offer. She has been listening as she has never met this man and has not conversed with him on this issue. She objects to Mr. Roberts making accusations against her about meeting with these people behind his back. Roberts said it is not an accusation, he has the facts. Suv Hawkins repeated she has never met these people from the power company. What she has learned she has learned in bits and pieces from what is heard in the public meetings. There have been no plans submitted so therefore she has not seen any plans for a power plant. Suv Hawkins stated she is not prepared to make a decision without hearing both sides of the story. Until now she has only heard from Mr. Roberts. She told Roberts she needs to hear from Mr. Culver also. However she did state that the longer this issue goes and the Board does not hear anything from these representatives, it is making her angry. Everyone has been contacted except the Board of Supervisors. Her silence is due to the fact that she has not heard the whole story. Suv Hawkins told Roberts she appreciates his attendance and the information he has brought forward.

Mr. Roberts asked Mgr Grumbine if she could encourage Mr. Culver to attend a meeting at her discretion, not his. Mgr Grumbine said she will contact Mr. Culver through email and encourage his attendance. She was the one who had made the initial request for his attendance. Roberts repeated all the facts as he has compiled.

Mrs. Roberts asked Suv Hawkins if she does not feel it is her responsibility, as a Supervisor, to go to Tenaska and find out what their intent is. If these people are approaching Twp residents to purchase their lands, isn't it the responsibility of the Supervisors to demand an explanation from Tenaska? Suv Hawkins replied, no, not until they come to the Township with this proposal. Mr. Roberts asked Suv Hawkins if that is the way she wants to do business? If someone is upsetting the constituents shouldn't you want to find out what is going on? Chm Brensinger added that Mgr Grumbine contacted Mr. Culver and tried to schedule a meeting for his attendance, as well as keeping in contact with the secretary at Swatara Twp. At this point contact with Bethel Twp has started as well as Swatara since some of the property owners there have been contacted also. Mrs. Roberts repeated, the plant will be located in North Lebanon Twp and she feels it is this Board's responsibility.

Mr. Roberts said what he is hearing is wait until Mr. Culver can schedule his attendance. Chm Brensinger said it is the best idea to wait and hear everything directly from him. Roberts said he has talked to Culver twice already. He does not need to talk to him again. Suv Hawkins stated she is quite interested in hearing what Mr. Culver has to say. To date she has heard from everybody BUT him. Mgr Grumbine announced there is only one meeting and it is June 15th. When asked about scheduling a special meeting, Suv Brensinger explained that would involve paying to advertise which is a requirement and the Board would really prefer to have Mr. Culver here at a regular meeting. Mgr Grumbine added the Solicitor would be in attendance at that meeting.

Carol Shaak – N 7th Street

Mrs. Shaak reported she had managed to raise Mr. Culver on his cell phone as he was on his way to the airport. He informed her he would return her call in a week or 2. If she receives that return call she said she will then know he is a man of his word. She told the public, if they have access to a computer, get on the website tenaskaenergy.com and look at the projects. The size of the buildings and cooling towers is unbelievable, to her. She fears for the beauty of this valley where she has lived for most of her 60 years.

Tenaska Energy Company (con't)

Mrs. Shaak expressed her concern about the traffic, the noise, the smells and the use of chemicals. Chm Brensinger questioned her mention of chemicals. He voiced his question whether or not chemicals are used.

Earl Roberts – W Kercher Avenue

Mr. Roberts agreed with Chm Brensinger. He said it may be possible that some chemicals are used in the cooling towers. That would be the only place, if used at all. He explained the methods used as Mr. Culver had explained to him. The noise disturbance is a definite. Steam or water vapor will be visible when released from the towers. Chm Brensinger questioned if the steam is detrimental. Roberts stated that if the steam is released when it is freezing temps it could freeze on the roadways. Mr. Roberts repeated his unhappiness about using prime agricultural land converted to a power plant.

Russell Atkins – Hain Avenue

Mr. Atkins stated his home is on a parcel cut from John Hains original land. A neighbor had contacted him in November of 2008 to ask if they had been contacted by anyone regarding this issue. The answer was no. About a month ago a representative from Texas Eastern offered to purchase their home. It was an offer which the Atkins had refused. Mr. Atkins stated he has since discovered that when the sales agreement was offered to John Hain, an agreement was made for the opportunity for the Hains to stay living there for 10 years. Mr. Atkins was told by Mr. Culver that the expansion of the Hybridge Dam would be completed in order to pipe a water supply to the power plant. Mr. Atkins told the Board that when Mr. Culver attends the meeting, be prepared to listen because Culver will be doing all the talking.

Ron Fortna

Mr. Fortna said he has questions about eminent domain. He said he understands eminent domain would not be applicable in this situation, as this is a private company. Is his thinking correct? His next question is, without the approval of the 3 Board members this project cannot go forward, correct? Chm Brensinger shared his opinion with Fortna that eminent domain is not applicable to this proposed power plant. Mr. Fortna then commented that the 3 signed sales agreements would be pending the decision of the 3 Supervisors sitting up front, correct? Without the Board's approval the sales agreement would mean nothing. Is this correct? Chm Brensinger agreed that most times large sales such as these would be listed as "pending plan approval". Fortna repeated his comment; this proposed plant would require approval of all 3 Board members, correct? Suv Hawkins stated it would take the majority vote, 2 of the 3. Chm Brensinger agreed plan approval would be necessary. However before plan approval there is zoning issues which must be resolved. When Fortna continued to ask questions, Chm Brensinger stated he does not wish to give incorrect information to the public and he does not wish to answer these types of question without the Solicitor being present.

Ron Shirk

Mr. Shirk remarked on the visits Mr. Culver made to all the property owners in the area. He does not understand why Culver would do all of this without once coming to this Board. It seems strange to him. Chm Brensinger stated that Mr. Culver had been in contact with the Twp Manager even though he has not contacted the Board. Shirk asked if Culver had tried to meet the Board members individually. Shirk was told No. Chm Brensinger stated he had attended a dinner hosted by LVEDC, approximately a year ago. He thinks this may be the meeting Mr. Roberts mentioned. The purpose of the dinner was to discuss information about a potential Tenaska site somewhere in the Lebanon County, not specifically North Lebanon and mentioned several sites throughout the County they were looking at for possible sites.

Glen Kreiser

Mr. Kreiser asked what was discussed during that meeting. The attendees were told that Tenaska was looking at several different locations for a facility. A map was displayed showing 4 or 5 different areas being looked at in Lebanon County. Water supply, high tension lines and a gas supply located in a general area were the 3 variables the company was looking for. Originally the landfill area was being reviewed.

Tenaska Energy Company (con't)

Two other sites being looked at was one close to Verl's Salads and the Alcoa site. Chm Brensinger stated they were looking at other sites in Pennsylvania. The company typically looks at several sites at one time.

Carol Stewart

Mrs. Stewart expressed concern about using Hybridge for water sourcing when every time we have a drought situation we look to Hybridge as a measuring device. Chm Brensinger said he had heard the intent was to expand Hybridge to accommodate all the water demands.

Martin Barondick

Mr. Barondick questioned the County Commissioners and the Board of Supervisors ever thinking of agreeing to this proposal considering the huge concern they have voiced in the past about farm preservation. The taxpayers' dollars are used to place farmland in preservation. Here is an opportunity to preserve over 200 acres of farmland, to remain agricultural, and it would not cost the taxpayers of this County one single dollar. How can the Commissioners and the Supervisors even think of agreeing to this proposal for a plant? Barondick said he thinks the power plant should be located somewhere else in Pennsylvania.

Chm Brensinger said it is important that the Public know the lands being discussed are NOT under farmland preservation. He understands Barondick's point about keeping the lands in question as agricultural but it must be mentioned it is not at this time under farmland preservation. Barondick indicated agreement with the Chairman's point. He then stated that the Board could use this argument in their favor saying we must have all these lands under preservation to prevent any large companies coming in to take over the farmlands. When Barondick started discussing the zoning issue that must be resolved, he was told the request for re-zoning comes to the Board of Supervisors for a decision. If approved is Tenaska's next step would be to submit a Land Development Plan to Lebanon County Planning and the NLT Planning Commission for review and processing.

B.) Tom Stewart – N 7th Street; Draining of Water Tower

Mr. Stewart questioned the water that is being drained onto the roads, Kimmerlings Road in particular. He mentioned the wearing that is taking place on the road surfaces as well as some of the driveways in the area. What is the reason for draining the water tank? Chp Brensinger responded the tank is owned by the City Water Authority. The Authority is required by law to have inspections completed periodically. Someone in the room questioned why the water is not captured and recycled. Suv Brensinger stated the tank that was installed was not the type that allowed for this type of activity.

Mr. Stewart asked whose responsibility it is to repair the driveways that are being damaged. Suv Brensinger told Stewart that the Twp and the City Authority met about an alternative solution to drain the tank when required. If stormwater piping is installed the costs will be shared, as there has been an existing problem in this area also that need to be addressed and now the water drainage has compounded the problems.

APPROVAL OF MINUTES

MOTION was made and seconded to approve the minutes from April 6, 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.

CHIEF OF POLICE REPORT - Harold Easter**A.) Summary Report – March**

Chf Easter reported on the various calls for service the department responded to in the month of March 2009. A total of 225 calls for service were received with Sunday being the highest day for calls and Tuesday being the second highest day.

B.) Click It or Ticket Program

A State Grant was received by the department to participate in the Click It or Ticket Program during the time of May 18 – June 7. Chf Easter was asked about the seat belt laws. He replied seat belts are a secondary offense. A discussion followed about seat belt laws and faulty equipment violations.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine**A.) Appointment to EIT Exec Committee; Cheri Grumbine Appointee w Robin Getz as Alternate**

Ordinance No. 4-2008 was adopted last year at this time when the EIT Executive Committee involved Municipal representatives. At that time Jim Loser of South Lebanon Twp was appointed as the municipal representative from CLSD. Cheri Grumbine was appointed as the alternate. This year Cheri will become the municipal representative from Cornwall-Lebanon School District and Robin Getz from North Cornwall will become the alternate member. The appointments will become effective June 1, 2009 through May 31, 2010. The Board is being asked to take action to approve these 2 EIT Executive Board appointments. Suv Brensinger questioned if the other Supervisors within the CLSD will be voting on these same 2 appointments also. Mgr Grumbine replied yes they will be taking action at their respective meetings.

MOTION was made and seconded to approve the appointments of Cheri Grumbine as municipal representative and Robin Getz of North Cornwall Twp as the alternate on the EIT Executive Committee from June 1, 2009 through May 31, 2010. Motion unanimously carried.

B.) Wednesday, May 13 – Offices Closed between 11:30 am and 2:00 pm

Mgr Grumbine told the Board she wanted to announce that the office will be closed on Wednesday, May 13th between the hours of 11:30 am and 2:00 pm. The office staff will be observing Administrative Professional Day. The office will reopen at 2:00 until the regular closing time of 4:00 pm.

C.) Panic Button Installation

The Township was able to acquire the panic button hardware that had previously been installed at the Lebanon County EIT Bureau at no cost. Twp maintenance staff installed wiring and some additional hardware was installed. The panic button system is now operational and goes directly into EMA and the NLT Police Dept simultaneously. It is Mgr Grumbine's hope that it never needs to be used.

D.) GP-7 Permit – E Kercher Avenue

Roadmaster Ed Brensinger and Mgr Grumbine have been working on the GP-7 permit through DEP in order to replace a double pipe crossing with an existing larger pipe under E Kercher Avenue. As Kercher Avenue is hydrologically connected to the Tulpehocken Creek through an unnamed tributary, a Phase I Bog Turtle survey was required. Because of the Bog Turtle presence appropriate steps must be taken for their protection. The GP permit will include a "Preconstruction Species Survey Special Permit Conditions". The Bog Turtle survey will be conducted immediately prior to earth the pipe replacement. Specific direction is outlined in the permit and instructions must be followed precisely. The application was mailed to DEP last week. No work is permitted until approval is received.

E.) Tire Collection Participation Totals

A report from the County Tire Collection was received. The Twp had 31 residents participate on April 6th for a total of 318 tires. There were 307 small tires collected and 11 large tires for a total amount of \$394.25. This amount was under the budgeted amount of \$700. Some discussion took place about the amount being so low this year. A resident mentioned the poor weather on that day and thinking that the weather played a part in the poor participation.

F.) PROP Enforcement Courses

The Board has received a request from the Twp Recycling Coordinator to attend a 2-day PROP course on May 27 & 28. Information has been provided to the Supervisors regarding the location and times. Suv Hawkins asked if this course will add credits toward Bonnie's certification and was told that it would.

PROP Enforcement Courses (con't)

MOTION was made and seconded to approve Recycling Coordinator's attendance at the 2-day PROP course on May 27 & 28th and will be held at the Messiah College. Motion unanimously carried.

G.) Paving Schedule for State Roads

Mgr Grumbine told the Board we have received notification from PADOT that Mt Zion Rd is scheduled to be paved sometime around May 11th. PADOT has also indicated a maintenance resurfacing project is scheduled for Sandhill Road from the Lebanon City line to the Swatara Twp, approximately 4200' past Plum Lane in Spring of 2010. She told the Board this is for informational purpose only. No action from them is needed. A discussion followed about the previous and future paving projects. A question was asked about the downhill side of N 8th Ave and Weavertown Road and the water retention problem. Chm Brensinger replied that there are several possibilities he is considering regarding this water problem. He said it is on the list of items for attention.

H.) GLRA Recycling Recognition & Achievement Awards Program

The GLRA is hosting their annual municipal recycling recognition and achievement awards program on Tuesday, June 2 at 7:00pm at the GLRA Maintenance Facility. An RSVP is being requested. Suv Artz stated he will be in attendance, Suv Hawkins gave a maybe and Suv Brensinger stated he is not available to attend.

I.) Resolution No. 12-2009

Resolution No. 12-2009 outlines certain records to be disposed of in accordance with the Municipal Records Manual. The majority of the records are from the Police Dept and a few from the Administrative Office.

MOTION was made and seconded to adopt Resolution 12-2009 for disposal of certain records. Motion unanimously carried.

J.) "Bags to Benches" Program by Giant; Community Park Bench

Mgr Grumbine informed the Board that the Twp was a recipient of a park bench through the "Bags to Benches Program" sponsored by Giant Foods. The bench has been received and is in place. A representative from Giant Foods and Twp Ass't Mgr Sheila Wartluft posed for a photo opportunity on April 27th to thank Giant for the donation.

K.) Fees In Lieu Of Fund; Transfer of Funds

Mgr Grumbine explained to the Supervisors there are funds in the Parks and Recreation Fund (Fees In Lieu of from developers) which will soon expire if not applied. She is asking for approval to transfer these funds from the P&R fund to the General Fund. The amount will then be applied to the outstanding loan balance for the purchase of the Lenni Lenape property. Chp Brensinger questioned if this is a permitted use for the funds that were provided by the Briar Lake development. Mgr Grumbine replied yes it is a permitted use for the funds. Suv Brensinger then inquired what amount of money is being discussed. The amount of \$28,500 was mentioned. Mgr Grumbine told the Board this amount of money would decrease the loan amount for this property by approximately 3 years payments. The Board discussed this idea for a few more minutes and decided to take action on this issue.

MOTION was made and seconded to authorize the transfer from the Park & Recreation fund to the General Fund and to apply the amount of \$28,500 to the outstanding loan for the Lenni Lenape property owned by the Township. Motion unanimously carried.

COMMENTS FROM BOARD MEMBERS**A.) Suv Dawn Hawkins- Upcoming Primary Election**

Suv Hawkins reminded everyone that the Primary elections are scheduled this month. She urged all residents to exercise the right to vote.

B.) Suv Ken Artz – Public Comments

Suv Artz referred to the earlier discussion on the proposed power plant. He stated he has heard various statements made but has not had the opportunity to meet anyone who represents the proposed project. The attendance of the neighboring property owners at the Board meetings is appreciated. He also thanked the attendees for their input as the Board relies on the public comments as well as the representatives from the company.

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

Respectfully Submitted,

Theresa L. George
Recording Secretary