

**MINUTES
NORTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS
MAY 18, 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 M. Hawkins	Treasurer
Cheri F. Grumbine	Township Manager
Harold L. Easter	Chief of Police
Frederick S. Wolf	Henry & Beaver LLP

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.

Chm Brensinger announced the meeting will be lengthy this evening. The first item on the agenda is the Public Hearing on Ordinance updates and then a presentation by the representatives from the Tenaska Company will be given before the remainder of the agenda items. Chm Brensinger asked everyone to turn off all cell phones and keep all the side conversations to an absolute minimum out of respect to the people in the room who wish to hear the agenda items being discussed. At this point he turned the meeting over to Sol Wolf.

PUBLIC HEARING

Ordinance 2-2009; Misc Ordinance Updates/ Zoning Amendment MR1 Areas

Sol Wolf started the Public Hearing by announcing the procedure he wants to follow for this evening. The advertisement requirements for the Ordinance updates were advertised once and the Zoning Amendment portion has been advertised twice according to requirements. Lebanon Daily News has provided Proof of Publication to be placed in the file. A copy has also been submitted to the Legal Journal. A copy of the proposed Ordinance updates has been available in the office for review. Comments from the Lebanon County Planning Dept and the NLT Planning Commission will become a part of the record for the Zoning Amendment portion of the Ordinance. Both Planning agencies have recommended approval of the Zoning amendment. Notices have been provided to the owner(s) of the property listed for rezoning. The surrounding property owners have also been notified of this request. Also as part of the requirements the 2 parcels involved have been posted for the last several weeks.

Sol Wolf stated he will read through the various revisions for the Ordinances and then will open the floor for discussion. He instructed everyone that a raised hand and a verbal name and address should be repeated before making comment or questions. The Board will be asked to take action when the discussion is completed. They have options of adopting, denying or tabling a portion or all the provisions until a later date.

Sol Wolf started the discussion by reading each amendment or revision being proposed. He explained the reasons the revisions and/or amendments had been requested and for some issues gave examples. A few of the Ordinance revisions involved repeals which have been replaced with updated ordinance information.

Another portion of the Ordinance update is the Zoning Amendment for 2 parcels of land. The first parcel is located off N 25th Street and is contiguous with the existing Union Canal Park property located south of Tunnel Hill Road and is currently zoned Industrial. The other parcel (2+ acres) is located north of Tunnel Hill Road, formerly the Wager property, and is contiguous with the north portion of the Union Canal Park. This parcel is currently zoned Ag.

Ordinance 2-2009 (con't)

Both of these parcels are being requested for Municipal Recreation (MR1). At this time the floor was opened for questions and/or comments.

Glen Kreiser questioned the issue of stray cats that are not owned by anyone. Is there any type of Ordinance pertaining to that issue? Sol Wolf replied that Lt Wengert made the requested revisions to the animal Ordinance. He cannot say how he handles the stray cat situations. Kreiser said he feels this issue should be addressed also.

Cathy Bomgardner wanted to address the rezoning requests. She and her husband own the property adjoining the Park area north of Tunnel Hill Road. Her main question is why rezone now when the park is already established? She was told the only portion of land being rezoned is the small portion that fronts Tunnel Hill Rd and was recently acquired from the Wager subdivision to be used as an access to the park area. The majority of the park land located to the rear and adjoining their property is already zoned MR1. Mrs. Bomgardner told the Board they are having problems with people trespassing on the Bomgardner property. She is requesting some signage be put into place to help prevent this trespassing. The other problem they are experiencing is unleashed dogs being permitted to run freely. This helps create liability issues and the responsibilities with that. She reported service utility trucks have been using their private lane. Mrs. Bomgardner said they would like these concerns to be considered and addressed in some fashion.

Sol Wolf responded to Mrs. Bomgardner stating that the Board would want to address the unleashed dogs and the liability issues. Mrs. Bomgardner stated they had tried to address the situations at the time with the individuals and did not achieve good results. Sol Wolf repeated the Board will probably want to try to resolve some of these problems by speaking to the Park directors.

Alfred Brandt expressed his concerns about the revisions to the animal ordinance. He stated, since he is located in an Ag district, he does not feel he should be held responsible if one of his cows gets loose or is making too much noise. His other question is the advisability of creating a recreation area in the middle of Agriculture. Isn't this spot zoning? Sol Wolf replied no, it is not. The parcels of land being zoned to recreational use are being annexed to existing recreational lands. Sol Wolf explained what would constitute spot zoning. Mr. Brandt asked about the International Property Maintenance Code. Being located in an Ag district does that mean Lt Wengert will be visiting his property in regards to his misc farming equipment on his property? Sol Wolf stated if Lt Wengert received a complaint he would visit Mr. Brandt and then discuss the value of the items in relation to his farming business.

Martin Barondick asked for clarification about the property located on the north side of Tunnel Hill Road. He was under the impression everything there was Recreational and Agricultural. Mgr Grumbine clarified there is existing Recreational property there. The parcel being requested for amendment is a slender portion of land acquired after the Wager Subdivision Plan. It provides an access to the recreational portion already located there.

Suv Hawkins stated she had some comments and/or questions. Her first question is in regards to the recreation area on the north side of Tunnel Hill Road. Is there a name attached to the driveway for the park area? She is wondering if a name should be given to the access into the park, thus alleviating the confusion to motorists. Jim Schucker, Friends of Union Canal Park, stated that is why the huge sign was placed at the entrance.

Suv Hawkins addressed Mr. Brandt regarding the ordinances for animals. She said the theory is to provide laws to give Lt Wengert leverage when he is enforcing the Twp ordinances. Lt Wengert is not out looking for issues to make trouble for residents. However when a situation comes up he needs ordinances and laws to fall back upon.

Ordinance 2-2009 (con't)

Her next question refers to the proposed yard sale ordinance. Who is going to keep count of the number of times a yard sale is conducted and who is going to count the actual days the yard sale is conducted? She does not foresee this working. Sol Wolf stated this was a result of all the complaints about parking situations. Suv Hawkins suggested this be revised to state 4 weekend events, not count each day as an event. A discussion between the Supervisors and Sol Wolf continued. After some discussion Chm Brensinger suggested this particular revision be tabled. Mgr Grumbine suggested changing the wording from 4 “days” to 4 “weekend” events.

Suv Brensinger stated for the record he would like the wording to be changed in reference to Hanford Drive being a dead end. It is actually a cul-de-sac area. He said it is found in Section 8 of the Ordinance.

Another item Chm Brensinger and Suv Hawkins mentioned is the riding of ATV vehicles within the Twp. Suv Hawkins suggested the Agricultural zoning district be eliminated. Many farmers use these types of vehicles on their farmland. Suv Brensinger said he thinks Rural Residential, although the lots are larger, is still considered residential. A lot of discussion took place about the wording for this particular revision to the ordinances. It was decided to use the wording of R1 & R2 districts only, eliminating the RR and Ag districts and the mention of operating any of these vehicles within 150’ of a structure.

At this time the Board indicated they were ready to take action of this Ordinance.

MOTION was made and seconded to adopt Ordinance 2-2009 contingent upon the discussed wording changes being made in regards to Hanford Dr being a cul-de-sac, the changes in the yard sale definition of numbers, and the rewording of the districts and elimination of the 150’ restriction within the ATV/vehicle ordinance. Motion unanimously carried.

Tenaska Power Plant Representative – Dan Culver & Jana Martin

Chm Brensinger told the public at this time Dan Culver and Jana Martin, representatives for Tenaska Energy Co, will be giving a presentation on their proposal for a power plant to be located in North Lebanon Township. He asked the public to be respectful in their conduct as well as listening to the questions and answers in order to eliminate repetitive remarks. Suv Brensinger also requested each person ask only 1 question so that everyone in the room might have the opportunity to speak.

Mr. Culver introduced himself and the company he works for. A slide show presentation about Tenaska Co and the history of it was presented. The second portion of the presentation will be discussing a concept of what Tenaska would like to see happen in North Lebanon Twp. Mr. Culver stressed these are concepts the company would like to see for North Lebanon Twp and the County of Lebanon. The company has been in operation since 1987. Statements from misc other towns and cities who have existing Tenaska projects in place were displayed. A picture of a plant located within a wooded area was shown. Culver said this is the concept that Tenaska prefers, when possible. Located in secluded area and lots of tree plantings for buffers. The plant proposed for this area would have the majority of the plant inside a building.

Mr. Culver touched on the jobs that could be created from this power plant proposal. He stated that 300(+) construction jobs would be realized for a period of at least 2 years and could benefit the local carpenters, electricians, plumbers and pipe fitters. Upon completion of the plant, 25-30 full-time jobs would be in place at \$55,000 to \$65,000 annual salaries. Culver stated that 90% would be jobs provided to people from that same area, within a 40 mile radius. He mentioned the lack of demand on school districts or infrastructures. Many statistics were mentioned as far as the demand for power.

When reviewing a location for this type of facility there are criteria used to make the determination. Is there the demand? Will it last 5-10 years or more? Culver stated that when designing these facilities, a 25 year lifespan is planned for the facilities.

Tenaska Power Plant Representative – Dan Culver (con't)

It is usually designed to be peak load so during crisis times can operate 24-7 when necessary. Gas lines, power lines and water availability are major considerations. Tax structures are another consideration looked at. Any and all Federal, State and Local requirements are either met or exceeded, according to Mr. Culver. A 950 megawatt plant was displayed that is operating in Virginia. Culver pointed out many aspects of the plant and its surrounding features. When considering a timeline for this proposal, 2013 would be the earliest time for possible operation and 2011 earliest for possible construction start. Mr. Culver informed the public that Tenaska looks forward to public meetings such as this one. They are very community minded and look forward to becoming a part of the community. He also touched on taxes paid to the school districts and some of the community projects have been participated in by Tenaska Co and their employees.

An option Tenaska offers to the local officials is to transport them to a neighboring community where Tenaska has an operating facility. They are able to visit the site and question the people in the neighboring municipality. The proposal for this plant is to keep it agricultural in nature. They do not wish to have any other Industrial neighbors. Mr. Culver touched on the distribution of the power on the Eastern coast. Think of it as one large supply that feeds whatever region needs to be supplied. One of the goals is to prevent some of the loss which occurs during distribution of the power. Mr. Culver discussed the operations of the power plant and the various differences between the types of turbines and some of the other equipment.

In addressing the visual concerns with having this power plant constructed he referred to a picture of the Lindsay Hill Plant. The tree buffers have been started, although have not yet been completed. You can see how the buffers help to screen the facility. The sound issue is another concern. This is another reason for the screen buffers. Culver addressed the impact of Tenaska on the community. There have been many community projects that Tenaska becomes involved in. It is dependent upon what the needs of the community are. Tenaska is a strong supporter of the United Way and encourage their workers to contribute. Various awards that have been presented to Tenaska were mentioned by Culver in his closing remarks. Mr. Culver thanked everyone for their attendance this evening. At this time he offered to take questions and comments from the public.

Q: Arthur Arnold – Kenbrook Rd questioned a flyer he had received on his mailbox. The flyer mentioned the decrease in property values should this plant become a reality. It also mentioned the agricultural purpose of the area. Arnold asked if the remainder of the lands would be maintained as agriculture. Mr. Earl Roberts indicated that he had distributed the flyers.

A: Mr. Culver stated he has not seen the flyer but would like to do so. He then stated that the remaining lands, other than the 40 acre footprint of the plant itself, would be maintained as forested or agriculture. Currently Tenaska has options for the purchase of 350 acres. The exact location of the 40 acre plant has not yet been determined. What is going to be attempted is to place the plant in the most optimum location which would impact the natural tree growth as little as possible. Any wetlands and protection type issues that arise would be determined with as little interruption as possible. It is the intent that any lands not used for the plant construction remain in agriculture or forestry.

Q: Martin Barondick – New Street mentioned the fact that Tenaska was established in 1987 and is now the 24th largest privately held business. That is a dramatic growth in 24 years.

A: Mr. Culver agreed saying they believe it is growth based on good initiative and being conscious of ethical commitment to the areas where their plants are located. He mentioned the names of some of the subsidiaries of Tenaska.

Q: Laura Heilinger – Heffelfinger Road questioned the gas lines which are part of the plant's necessities. Are the existing gas lines sufficient or will there be a messy construction involving new gas lines?

A: Culver stated that in his conversations with Texas Eastern, they stated the current supply is sufficient. He stated that another line will not be installed because of Tenaska power plant. He cannot however predict what Texas Eastern may do for themselves.

Q: Emial Miller – Linda Dr said he has heard a neighboring property along Heffelfinger Rd was being pursued as far as a purchase. Is that where Tenaska will be teeing off the gas lines?

A: Culver said the lands being looked at by Tenaska are located west of N 7th Street and north of Kercher Avenue. Anything on the east side of N 7th Street is not being looked at by the Tenaska Company.

Q: Tom Stewart – N 7th Street questioned the amount of water that will be used daily? Also where exactly will it be coming from?

A: Culver replied the plant is designed for a maximum of 8 ½ million gallons a day. However normal operation time is from 6am to 6pm and the actual consumption is closer to 5 million gallons a day. This plant is considered a peaking plant. Tenaska has commissioned the engineer for the Water Authority to research what it would take to expand the system. Any expansion would be at Tenaska's expense. Raising the reservoir to the north of the County is also being looked at. New conveyance lines would be constructed from the dam to the City of Lebanon's facility. Answers to this idea have not been received yet but is being reviewed. Another course of exploration is the use of gray waters.

Q: Glen Kreiser – Shellie Street questioned the requirements for the Susquehanna River Basin. Will Tenaska be involved in the requirements?

A: Mr. Culver responded all permits are obtained through the Corps of Engineers and the State Department and the local water agencies. When considering all these agencies the answer would be yes.

Q: Larry Hartman – N 7th Street informed Culver his view is directly down on the farmland they are discussing. It is not his desire to look at a power plant sitting there.

A: Culver told Hartman he hears his concerns. Please let his name and number so he can contact him. He will do everything he can to work with Mr. Hartman. He would like to try to come up with a resolution.

Q: Carol Schaak – N 7th Street stated she actually has 2 pages of questions but will ask only one, as she was instructed. Her question has 2 parts to it. What is going to happen to the property values? Prior to building the other plants did Tenaska encounter opposition to the plants?

A: Mr. Culver responded that the policy of Tenaska is to have certain property appraisals completed prior to construction. Once construction begins or is completed, should the individuals decide to sell their property and the appraisal value is not met, Tenaska will make up the difference in value. This will be placed in writing if necessary. Typically what happens is that the improvements made with the building of the plant the property values have increased.

Q: Karen Fitting – Kochenderfer Road questioned the roads. The traffic at the intersection of Kochenderfer Rd, Kimmerlings Rd and N 7th Street is already at a dangerous level. With the addition of 300 more people, who will be working on construction of this plant, the traffic will be worse than ever. How will that get fixed?

A: Culver stated he cannot give an answer tonight. He will say that the Supervisors and County Commissioners will be studying the local infrastructure. He repeated that a power plant will be constructed in Pennsylvania. Will it be in Lebanon, PA? That is still unknown.

Q: Corey McCue – Loretta Drive told Mr. Culver he still did not answer the question of lighting the plant at night. Are there any pictures of the plant at nighttime?

A: Culver responded there is a nighttime picture in the brochure information that had been provided. A conversation about the height of the stacks (110 – 165 ft) was held. Jana Martin shared that the lights are directed downward and inward, not outward. Also in some instances there are switches to turn lights off. Culver said if he is thinking of flashing lights or something similar because of flight patterns, there is already an existing tower in the area that has lighting positioned on it.

Q: John Harvey – Kercher Avenue told Culver he is worried about the amount of noise this plant will generate at nighttime. He lives on the top of a hill and with the proper wind he will be able to hear everything there is to hear.

A: Culver replied that the noise would be very minimal. Once the plant footprint is determined, the noise level decreases the further away from the plant you go. At the actual fence around the plant it might be 50 decibels.

Q: Someone mentioned the emissions from the stacks. While he is sitting in his backyard trying to enjoy a picnic, will he be eating the “junk” that is being emitted from the plant stacks?

A: Culver replied no he will not. He is not an expert on this but in his opinion, no. If that were to be the case, everywhere there is a tower or stacks, the folks would be protesting. The requirements for these plants are getting stricter. When asked if the plant could be wind mill operated, Culver stated that right now the plan is to construct a gas turbine power plant. Wind is unreliable in that if the wind mill stops, your production stops.

Q: Neil Schaak – N 7th Street mentioned his concern about affects on ground water and water supply.

A: Culver repeated water will be supplied from the Lebanon City Authority. Nothing has been determined about sewage as of this date.

Q: Dale Houtz – Justa Lane wanted to find out what happens after the 25 years are up?

A: Culver stated that normally the buildings and equipment would be replaced with the current turbine. It usually takes 8-10 years to pay off the mortgage on these plants. Once the mortgage is paid off, your prices for the electricity being generated can be more competitive.

Q: John Fortna – Hain Avenue asked Culver if one of the properties that Tenaska is acquiring is the Hains farm? He was told yes. Mr. Hains told Fortna this is a done deal. Is that correct? Yes. The Hain farm completely surrounds the Fortna property on 3 sides and a portion of the 4th side. Tenaska’s website states they are neighbor friendly. Three of Fortna’s neighbors were visited, 2 of those properties were purchased. Mr. Fortna said they have 90 days to vacate their homes. Culver said, no not correct. Every property which has been purchased by Tenaska will permit the owners to live in their current homes as long as they might wish. Mr. Fortna told Culver, not one single Tenaska representative made any effort to visit him, with the exception of the surveyors.

A: Mr. Culver stated he would be happy to address that situation. He will provide Fortna with his business card and he will address this situation with him.

Fortna asked if it is true the Mark Stahley and Startonni properties were purchased by Tenaska. Culver replied yes they have been purchased. These 2 properties are the only 2 properties which must be vacated. Texas Eastern had contacted Tenaska to inform them they needed 2 properties to be able to meet a density requirement. Tenaska replied that is fine however do not use the Tenaska name when attempting to purchase the homes. The original idea was to have Texas Eastern purchase the houses and then Tenaska will buy the land from Texas Eastern. The end result was that Tenaska is now purchasing those 2 properties. When asked if the homes will be torn down, Culver replied yes because it the requirement that the Federal Dept of Transportation has placed on Texas Eastern. When Fortna started another question, Mr. Culver told him he will be happy to meet with Fortna to discuss all these issues. However that will not take place here tonight.

C: Russell Atkins – Hain Avenue commented he had worked for Texas Eastern several years ago. He wants everyone to know the pipe that was laid by Texas Eastern is good for a hundred years. He also questioned whether Tenaska uses any Federal funding for this project? Culver replied no Federal money is used.

Jana Martin asked Mr. Culver to address the rumor situation. Culver asked that anyone who hears rumors to please come back to Tenaska to find out the facts as they might have them.

Q: Earl Roberts – Kercher Avenue asked Mr. Culver when he first came to Lebanon County and when he first met with County Supervisors (Commissioners)?

A: Culver replied he first came to Lebanon County in December of 2007. He has met all 3 County Supervisors (Commissioners) who had been in position in the early 2008 timeframe. He has also met with the LVEDC.

Mr. Roberts mentioned the fact that Culver is only here tonight because Roberts has been to the NL Twp Board of Supervisors and demanded to find out what has been happening with this proposal. Mr. Culver disagreed with Roberts' remark. He stated he does not answer to the Board of Supervisors. The people he answers to are the ones who tell him when to give answers in public. He likes his job and will continue to do what it takes to keep his job. A demand for information does not always get answered immediately. Although the company has an affinity for the public concerns but have the right to release information when the company is ready to do so.

Q: Brian Vragovich – Chairman of NLT Fireman's Association and his question is how all of this will affect the 4 volunteer Fire Companies within North Lebanon Twp. They already experience a shortage of funds and a shortage of manpower at certain times. Setting the funding issue aside for now his question is; in areas where the other plants have been constructed, has there been an additional burden placed on the local Emergency Services?

A: Culver replied that the plants are designed to have complete fire suppression systems in all areas. The cooling towers all have fire monitors in them. All Tenaska plants require annual meetings with local Emergency Services to practice and review any and all fire hazards. Due to the fact the local Fire Companies do not store enough foam it would take to put fires of this size, Tenaska's policy is to have the supply on site for the fire companies to use in an event such as that. Tenaska also tries to provide material/equipment needs that might make the emergency services tasks easier for them.

Q: Carol Stewart – N 7th Street questioned if this is the first time he has talked with all 3 of the NLT Supervisors about this proposal?

A: Culver replied no it is not. He has provided select information to them in the past. The Supervisors were not given all the information shared here tonight. There is certain proprietary information that was withheld.

Q: Steve Hurst – Swatara Twp questioned what guarantee the residents have that the remaining area of the 350 acres not taken up with the plant will remain as agricultural and undeveloped? Can the Zoning Board restrict the amount of area that the plant can develop? Should this fall through, what will Tenaska do with 350 acres? Is it your intent to sell that land back to local famers?

A: Mr. Culver replied that the intent of Tenaska is to move forward with the tentative suggestions outlined here tonight. The rest is speculation.

Q: Travis Barr – Heffelfinger Road commented on Texas Eastern and a man named Shep Wilbar. This man denied knowing anything about a power plant during a conversation about the purchase of properties for additional gas lines. Barr owns property that contains 3 gas lines already and an easement for a 4th line.

A: Culver responded that he cannot speak as to what Texas Eastern will do. When asked if Texas Eastern has capacity for this proposed plant, the answer was yes we do. If something happens down the road and a new line is placed, are you going to blame me or the new customer? He was told he will be blamed.

Culver said even if this plant is not built, in all probability another gas line will come. Barr stated that he just stood here and talked about integrity and honesty but everyone concerned with this project is lying to the people. Culver said Shep Wilbar is a representative of Texas Eastern and they have met for breakfast. He has no idea why Shep would deny knowing about the proposed plant. Barr told Culver that the community is not gaining anything by this plant being here. The public does not want the plant here, according to Barr. Culver said he hears what Barr is telling him.

Tenaska Power Plant Representative – Dan Culver (con't)

Q: Suv Hawkins – NL Twp questioned Mr. Culver about his remarks made this evening in regards to meeting and discussing this project the Twp Supervisors. She told Culver she has never met him and has not discussed anything with him.

Mr. Culver apologized to Suv Hawkins for putting her on the spot saying he agrees he has not met her before this evening. He continued on to say he has met with so many different people he may have gotten confused. Suv Hawkins asked why he thinks this is a “done deal”. Culver stated he has not said this is a done deal to anyone. Earl Roberts and Mr. Culver exchanged some words of disagreement. Suv Hawkins referred to Culver’s remarks about increase in property values because of these plants being built. Does he have any verification of this remark? Culver referred to a project in Alabama where a regulation road was created as opposed to a dirt road that had been in existence. All the homes along that roadway increased in value due to the improved roadway through that area. Suv Hawkins said she is appreciative of all the attendees this evening. Many of the questions she wanted to ask were asked by the residents. To Mr. Culver she explained she was getting concerned because he was not making contact with the Board and the Supervisors were hearing all these rumors from the public. She stated her disappointment that the Board had to wait so long to hear from Tenaska and its representatives. Mr. Culver explained that sometimes things don’t work out so easily. Until Tenaska had the properties they wanted under an agreement of sale, he could not come before this Board. Culver explained some of the business variables that he had to deal with before a public announcement.

Mr. Culver explained some of the issues he was dealing with pertaining to Texas Eastern. Once he got word of a man named Shep Wilbar, he contacted Texas Eastern to question them. They denied having an employee by this name, at first. A second phone call from Texas Eastern recanted that denial. At that point, Texas Eastern informed Culver of the two properties, Stahley and Startonni properties. Once Culver had this information he was able to make arrangements for these 2 families to have premium payments for their properties, through Tenaska. Suv Hawkins repeated her concern about this plant being built and then becoming obsolete within 20 years. Culver replied that the project will not start if they are not positive that it will be completed. The plant will go commercial once finished. Suv Hawkins questioned the location of the proposed plant. Culver stated the intent is to stay out of the existing trees and stay near the tree line. Next a design utilizing the 40 acre plant footprint will be completed and then review of what topography will need to be rearranged to keep the plant a low profile and more pleasing with the surrounding landscape.

Q: Suv Brensinger – NL Twp had questions about the 350 acres of land. Is it an agreement of sale contingent upon approval or is it an outright purchase? Culver stated the sales are all purchase agreements with final settlements to be dealt with in a short period of time. Suv Brensinger asked what happens if the final answer is the cost of constructing this plant or failure to gain approvals makes this an undesirable project. Does this land get remarketed or do the agreements with the current property owners contain a clause in it to cover this type of decision? Culver stated the contracts are to gain title to the land. The agreement also is to allow everyone to continue to live in their current homes, based on arrangements made with the individuals. If the plant should not come to fruition, to his knowledge, Tenaska will continue to hold title to the land.

Suv Brensinger mentioned the noise level. Culver had stated 50-60 decibels at the fence line. What does that level of noise compare to? Culver replied the best he can compare it to the starting of a car, once it is at idle. Chm Brensinger thanked Mr. Culver for his time. He confirmed that Mr. Culver will be coming back to visit the Board and the public again once it is necessary. He referred to the rumors that will inevitably surface, some as a result of this meeting. It is Chm Brensinger’s hope that Culver will return in the near future. At this time Chm Brensinger stated that Mgr Grumbine and the office staff went to extra lengths to ensure that the Swatara and Bethel Twp residents were aware of this meeting and Mr. Roberts has done his part in getting this meeting together.

Tenaska Power Plant Representative (con't)

As Supervisors it is their job to be concerned for the residents on North Lebanon Twp. This issue will continue, he is certain, and every effort will be made to keep the public informed. The newsletter will most likely contain tid bits of information and attendance at the regularly scheduled meetings will provide some answers to any rumors. Mr. Culver thanked the public for their attendance. Chm Brensinger announced a short recess at this time.

COMMENTS FROM THE PUBLIC**A.) Martin Barondick – New Street**

Barondick expressed his opinion that the meeting should have been more controlled. Chm Brensinger reminded Barondick that he is always granted time to speak and the Board felt the people involved with this issue should have the same courtesy.

B.) Glen Kreiser – Shellie Street

Kreiser commended the Board on running a good meeting.

C.) Bob Hoffman – Ebenezer Road

Hoffman told the Supervisors he has witnessed oversized truck loads on Windsor Drive. He told the Board he had the opportunity to speak to one of the drivers. He showed Hoffman a permit he had in hand from PADOT to use Windsor Drive. His question is can PADOT do that since Windsor Dr is a Twp road? He was told the State supersedes the local level.

APPROVAL OF MINUTES

MOTION was made and seconded to approve the minutes from May 4, 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.

FIRE CHIEF'S REPORT – Brian Vragovich

Vragovich read a summary report to the Supervisors from the months of March and April. He reported on the number of calls, the amount of volunteer man hours, and the number of times that hose was used and the amount of the Mutual Aid assists. Mgr Grumbine expressed her appreciation to all the Fire Companies who had participated in the Make-A-Wish event that occurred at the Twp Community Park. Vragovich remarked that most of the men have never been that close to a fireworks display and that they were kept pretty busy most of the night.

CHIEF OF POLICE REPORT - Harold Easter**A.) Calls for Service – April 2009**

The total calls for service in the month of April were 214 with the high day being Thursday, Saturday and then Monday. Chf Easter mentioned some of the types of calls received and the total amount of miles logged on the vehicles.

B.) Bid for 2005 Crown Vic – Annville Twp PD

As part of the process of keeping the cruiser vehicles current, the sale of used vehicles is also completed. Chf Easter stated he has received an offer of \$850 for the used 2005 Crown Vic that is being eliminated. He is asking the Board to approve accepting this offer. Some discussion was held about the costs associated with the advertisement requirements and the offer received from Annville Twp. The Board was in agreement that this offer from a neighboring municipality is reasonable and would save the costs for advertisement.

MOTION was made and seconded to approve the offer from Annville Twp in the amount of \$850 for the used 2005 Crown Vic cruiser car and light bar. Motion unanimously carried.

C.) Request to Release (donate) Bikes to Marine Toys-for-Tots Program

Chf Easter informed the Supervisors that there is a fair amount of bicycles (17) accumulated. These bicycles have been held long past the required time of 90 days. He is suggesting that in accordance with Resolution 8-2000, the Board approve the donation of the bicycles to the Marines Toys for Tots Program.

MOTION was made and seconded to approve the release of the 17 impounded bicycles to the Marines Toys for Tots Program in accordance with Resolution 8-2000. Motion unanimously carried.

D.) Lebanon County Federation of Sportsman's Club Request

Chf Easter told the Supervisors that he had received his annual letter from the Lebanon County Federation of Sportsman's Club in regards to their program they hold each August at Stoever's Dam Park. The date this year is August 8, 2009 between the hours of 8am and 2:30pm. He is asking the Supervisors to approve a variance for the use of firearms within the Twp.

MOTION was made and seconded to approve the shooting variance request made by the Lebanon County Federation of Sportsman's Club for August 8, 2009. Motion unanimously carried.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine**A.) Grosfillex Final Land Development Plan – Joel Drive**

The Land Development Plan for Grosfillex, located on Joel Drive, illustrates 2 large building additions and a new 2500 square foot building and 2 new parking areas. The storm water management facilities design has been approved by the County Engineer. The Leb Co Conservation District has approved the Erosion & Sedimentation Pollution Control Plan and the Authority has given approval to sewer issues. All the issues with the Leb Co Conservation District have been resolved. Leb Co Planning Dept and the NLT Planning Commission have recommended approval of this plan. The Supervisors are being asked to review and take action on this plan.

Some conversation took place about the history of this company. Suv Brensinger questioned if this will be used for warehousing. Mgr Grumbine replied that when the Planning Commission asked this question, they were told that for right now it will be warehousing.

MOTION was made and seconded to approve the Grosfillex Land Development Plan. Motion unanimously carried.

SOLICITORS REPORT – Solicitor Frederick Wolf**A.) N 11th Avenue RR Crossing –Appeal Filed w Supreme Court, Waiting for Response**

Sol Wolf discussed with the Supervisors the denial of the Supreme Court to hear the appeal case concerning the 11th Avenue RR Crossing decision. Due to the denial he is asking the Board to authorize him to send a letter asking for clarity on the original decision stating the Twp and the City of Lebanon must share the maintenance costs for the improvements at this railroad crossing. Sol Wolf provided a draft of the letter he had completed to be sent to the PUC asking for a 30-day period to examine the costs. After the 30-day period the Twp and City will know whether they wish to proceed with a Hearing. The Supervisors indicated that they are in agreement with Sol Wolf that the maintenance issues must be more clearly defined. Chm Brensinger informed Sol Wolf a PA ONE CALL has already been received for construction to begin at this site. Sol Wolf told the Board it is important to respond by sending this letter tomorrow. After a lengthy conversation the Board agreed that sending this letter is necessary.

MOTION was made and seconded to authorize Sol Wolf sending a letter requesting a definite outline of the maintenance costs the Twp and Leb City would be responsible for in regards to the 11th Avenue RR crossing. Motion unanimously carried.

B.) Hillside Drive Sewer/Driveway Issue

Sol Wolf provided a draft of an agreement between the Municipal Authority and the Board of Supervisors for an easement agreement pertaining to the Hillside Drive sewer extension from Hillside Drive to Windsor Drive. The current pump station will be eliminated. From the pump station to Windsor Drive will be an unpaved portion. The Authority is asking permission to lay the sewer within the Twp right-of-way. One of the property owners, Mr. & Mrs. Leonard, are requesting permission to continue their paved driveway from the house, through the unpaved portion of Hillside Drive, up to the portion that is paved. The Twp is expressing the desire to maintain their right to the unpaved portion in order to allow for any future paving that might be done.

MOTION was made and seconded to approve the agreement between the Township and the Municipal Authority for placement of sewer in the Twp right-of-way and the Leonards to pave to their driveway within the same right-of-way. Motion unanimously carried.

C.) Code Enforcement Issues

Sol Wolf gave a summary of the Code Enforcement report he received on issues he and Lieutenant Wengert have been working on. Some of the outstanding invoices for inspection services have been paid. One problem that still needs to be resolved is the tenant-Landlord situation. When pursuing the tenant they will often move away and then we do not have any forwarding address for them. This is a situation he and Lt Wengert will continue to working to resolve. Sol Wolf discussed some problems with the former Moody property. He told the Board a final inspection will be completed in July

D.) Homeowners Association Documents – The Crossings @ Sweet Briar

The HOA documents for The Crossings @ Sweet Briar were discussed at the last meeting. Since that time the developer has been moving forward with getting approvals for this project. Sol Wolf stated he will provide his draft to the developer outlining some of the items the Supervisors wanted to declare in the documents.

E.) Truck Traffic Agreement – Kreiders Property Tunnel Hill Road

Sol Wolf reported to the Board that he has been in contact with Bob Gerhart of Matthew & Hockley on the truck issues for the Kreider property. The issue of the smaller truck demonstration seems to have stalled. Kreider is stating that the trucks used for the original demonstration will be used. County Planning seems to think the developer has provided what was originally asked for and proven the turning radius can be met.

Bob Hoffman objected to that thought as he insisted that the larger trucks will not be used for the deliveries. Hoffman said he knows the smaller trucks with slide axels are the trucks that are used for this type of delivery. Hoffman insisted the Board should demand the truck demonstration be done using the trucks he knows will actually be used. Sol Wolf stated that in the prepared agreement, a specific type of truck will be described. If another truck is used the issue will be forced to come back before the Township.

F.) Public Hearing - Ordinance 3-2009; Municipal Authority Debt –Twp Guaranty Agreement

The Authority is looking to refinance the current sewer/water debt from 7% interest rate to a rate of 4.6 and 5% with the term to be 26 years. The Board of Supervisors is being asked to guarantee the debt. The guarantee requires the Authority to hold in reserve the financial amount equal to one year's payment. It is to be a self liquidating debt. In the event the Twp should ever have to incur any payments, the agreement guarantees the reimbursement of the payment. The amount listed in the documents is 13 million for sewer and 3.8 for water, although these amounts are stated higher than the actual amounts. Upon the Board's approval, the documents will need to be forwarded to DCED for review and approval or denial of the documents.

Chm Brensinger stated the Township currently has guaranteed the existing debt. This would be approving the refinancing of the debt and agreeing to guarantee the refinanced debt. Sol Wolf, when asked, said the term is not being shortened and it is remaining the same. However the option to repay the debt early is there.

Public Hearing - Ordinance 3-2009 (con't)

Sol Wolf stated it is unlikely that a Bank will respond to the bids that went out to local banks for a bank loan. It will more than likely come from a bond issue.

MOTION was made and seconded to adopt Ordinance 3-2009 for the refinancing of the sewer/water debt of the NLT Municipal Authority. Motion unanimously carried.

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

Suv Artz encouraged everyone to go out tomorrow and vote.

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

Respectfully Submitted,

Theresa L. George
Recording Secretary