

**MINUTES
NORTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS
MAY 19, 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 and many other individuals. The meeting was called to order and the pledge to the flag was done. Chm Brensinger explained a Public Hearing will take place at 7:30pm. The regular meeting will begin and will halt at 7:30pm to conduct the Public Hearing on Ordinances 3-2008 & 4-2008.

COMMENTS FROM THE PUBLIC

A.) Bruce Sattazahn – Weavertown Rd; E.I.T. Services

Mr. Sattazahn spoke to the Board about the article he had read in the paper recently about Cornwall Boro and their plan to rethink the use of EIT services for tax collection. He said in light of all the events within the last few years, he is wondering if North Lebanon might be thinking along the same lines. Sol Wolf asked if he might answer this question.

Sol Wolf explained that Cornwall Boro had decided to not participate in the selection of a municipal representative from the Cornwall-Lebanon School District to sit on the EIT Board. One of Cornwall Boro's questions is whether EIT will enter into a private agreement with a collection agency that have offered proposals. Cornwall Boro has decided not to participate; unless it is determined their vote is needed for some reason. Another one of Cornwall Boro's questions is the rate that will be charged for the collection process by the agency should one be chosen by the EIT Board. At this point they are keeping the flexibility of other options open to them.

Sattazahn asked if there is a definite date the choices of the municipalities must be made. Sol Wolf stated there is not necessarily a deadline date. There are a lot of variables that must be considered and determined. He continued on to explain all the various issues being reviewed at this time, by both the EIT Board and the municipalities. Sol Wolf again said it is not a matter of a date, rather a matter of the EIT Board being able to come back to the school districts and municipalities with a definite course of action that will be of most benefit to everyone concerned. The time frame that the EIT Board has targeted has always been the end of June or early July to make this announcement of a decision.

Sattazahn next questioned the agreement or contract that is used for EIT services. Is it a periodic renewal or how does it work? Sol Wolf stated that any municipality has the right to forego EIT services at any time they choose. Should an outside provider be chosen, this would probably change to a possible 3-year contract or agreement. Obviously it will require more than a year to get established in a routine as well as locate an office in the area. Sol Wolf expanded on some of the recent discussions regarding outsourcing. Sattazahn expressed his concerns about the slow pace this issue is proceeding.

E.I.T. Services (con't)

Martin Barondick voiced his question about what is being done to recover the money that was stolen. According to Barondick it does not appear anyone is pursuing this issue. Sol Wolf stated this is an ongoing investigation by the Insurance Company and the attorneys. Chm Brensinger reminded the public that all EIT meetings are open to the public for attendance.

B.) Bob Huffman – Ebenezer Road; Tunnel Hill Road Proposed Chicken Houses

Mr. Huffman asked if there has been any progress on the Kreider chicken houses. Also is the video on the truck demonstrations now available to view? Chm Brensinger told Huffman there has been no plan submission and the Twp has not received any video copies, to date.

APPROVAL OF MINUTES

MOTION was made and seconded to approve the minutes from May 5, 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.

FIRE CHIEF'S REPORT

A written report was provided by the Fire Chiefs who had attended the last monthly meeting. Weavertown and Glenn-Lebanon had submitted a report, dated May 7, 2008, to the Supervisors on their activities for the previous month. The new radios that were received from the County are still being worked on.

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

Chf Easter updated the Board on the calls for service from the month of April. A total of 719 calls were logged in the month of April with Wednesday being noted as the highest day for calls.

Charles Allwein of Martin Dr asked the Chief what constitutes a suspicious person. Chf Easter replied any call about a strange looking activity or suspicious looking individual that does not fit the neighborhood. When a call comes in to the office one of the Officers goes out to check on the situation.

B.) EOP Update

Chf Easter reported to the Board that the work on revising the Emergency Operations Plan (EOP) for North Lebanon Township is ongoing; however he has nothing new to report this evening

C.) Consolidation of NLT Fire Police

Chf Easter told the Board he is asking that they take action on the consolidation of the Fire Police for North Lebanon Twp. This issue had been discussed at previous meetings and some revisions completed to the Policies and Procedures established. Sol Wolf has reviewed the Policies and Procedures and revised with Chf Easter's recommendations as well as the suggestions from the Supervisors. Mgr Grumbine questioned one word she was not sure about. Sol Wolf agreed the word should read as "termination". The Board discussed the information and some of the revisions that had been made. Chm Brensinger asked Sol Wolf if a Resolution should be completed. Sol wolf replied a MOTION would be acceptable.

MOTION was made and seconded to approve the Policies and Procedures regarding the NLT Fire Police being placed under the direction of the Police Dept. Unanimously carried.

D.) Request from Bethel Township

There has been no further contact from Bethel Twp in regards to scheduling a meeting for a discussion on Police services.

E.) Misc Items

1. **Parade** - Chf Easter reported the dept will be participating in the Memorial Day Parade scheduled for Monday in the City of Lebanon.

2. **A grant** has been received to fund the “Click It or Ticket” campaign. The Officers will now be progressively pursuing this throughout the Twp.

3. **Route 72** - Bob Huffman informed Chf Easter that after the last meeting, he noticed the Officers all over Rte 72. The only other request he has is to target the early morning when the school buses are running.

Chf Easter responded that the Rte 72 coverage has not really changed. His department had patrolled the area prior to Huffman’s request.

4. **White’s HD Cruise Night** – Chf Easter reported that White’s Harley-Davidson has scheduled their annual Cruise Night for June 28th. Bruce Sattazahn questioned last year when Dairy Queen came to the meeting about the parking situation during this event. What is being done about that this year? Chf Easter replied White’s is requesting their patrons NOT park at the Dairy Queen. Also Mrs. Shankcroff has been asked to think about her customers who park there and buy a treat then walks across the street.

***** **PUBLIC HEARING 7:30PM** *****

Sol Wolf announced it is 7:30 and is time to begin the Public Hearing which had been scheduled for this evening. He told the public the two Ordinances being considered tonight were advertised in the Lebanon Daily News and had been posted on the Twp website as well as in the general office of the Twp. Sol Wolf explained the procedure for Public Hearing. He will summarize the contents of the Ordinance and then will take questions from the public. After hearing public remarks the Supervisors will be given the opportunity to ask questions or make comments. The final portion of the hearing will be the time when the Supervisors are asked to take action on the Ordinance.

ORDINANCE 3-2008 – Restricted Housing Developments

Landmark Homes, who purchased the former Arnold farm, has requested an Ordinance dealing with Age Restricted Development be adopted. The request is to offer more open space in exchange for smaller lot sizes in the R2 district when proposing an age restricted community. Lebanon County Planning and the NLT Planning Commission along with Mgr Grumbine have worked on drafting this Ordinance.

Sol Wolf summarized the various items contained in the proposed Ordinance. He continued on to explain why the Ordinance was set up to accept these applications as a Conditional Use. The applicant has to apply to the Board of Supervisors, a Hearing will be scheduled and a decision rendered by the Supervisors. Sol Wolf said he set this up as a Conditional Use rather than a permitted use after hearing some of the concerns expressed to him by the Supervisors. This method will allow the Supervisors to see the plan and see that all the conditions are being met and will have the opportunity to establish additional conditions should it be warranted.

Sol Wolf instructed the public will have the opportunity to ask questions one at a time by going round the room, row by row. The developer will have the opportunity to speak after the public has finished with their comments.

Martin Barondick stated that he is in favor of the development as it is something that is being done for the old people. Sol Wolf added that the burden on the Police Department is also minimal as it is a self-contained community. There is little or no impact on the school district.

Bob Huffman asked about the road maintenance issues. He was told the community is responsible for all the road maintenance. The sewer and water lines are all installed by the developer. Huffman said he is in favor of this development also.

ORDINANCE 3-2008 (con't)

Charles Allwein remarked the cluster design, versus the non-cluster design, provides for a lot more open space. He feels this is a desirable feature for the older generation.

Suv Hawkins asked for clarification on the cluster design and non-cluster design. The lots located on the main street will be sized according to the normal R2 regulations, which are the non-cluster. The side street lot sizes will be the cluster design, which are smaller lot sizes. Sol Wolf confirmed her thinking is correct.

Suv Artz questioned the Conditional Use that the developer will apply and submit a fee for consideration. What is the fee attached to this application? Sol Wolf stated the Supervisors will set the fee by Resolution. He is recommending the amount of \$1500, which will cover all the Twp costs to conduct a public hearing.

Scott Miller of Stackhouse Bensinger mentioned the many meetings he has had with the Twp staff and the Twp Planning Commission to get this Ordinance going. He said there are a few areas that need to be “tweaked” a little bit. Section “E”, he feels, contains redundant language. Sol Wolf agreed to remove this phrase on page 2 & 3. On page 5, item P1 is also another area that is redundant. P3 is regarding minimum parking spaces and then later mentions maximum parking spaces. Sol Wolf and Scott discussed and agreed on the actual wording to be used regarding the parking. Sol Wolf mentioned that should additional contiguous acreage be added to the current development, it will automatically be included with this development.

Sol Wolf asked Mgr Grumbine if she has any questions or a problem with the revisions being discussed. He elaborated with an explanation on the parking regulations and issues. Sol Wolf stated there were a few suggestions made by County Planning. The ones that were pertinent were revised.

MOTION was made and seconded to adopt Ordinance No 3-2008, along with revisions discussed and noted. Unanimously carried.

Sol Wolf instructed Scott Miller to provide a letter of request to the Twp office for the Conditional Use. He could then begin getting all the required information ready to submit to the office so that the Public Hearing can then be scheduled.

RESOLUTION NO. 11-2008

The Board of Supervisors was in agreement that the fee for a Conditional Use should be set at \$1500.00 due to all the costs the Twp incurs when conducting the Public Hearing. Sol Wolf told the Board with all issues that need to be addressed with this type of request he feels it is a fair fee to set and could be revised when the annual fee resolution is completed. There is also an added statement that anything over the cost of \$1500 is the responsibility of the applicant.

MOTION was made and seconded to adopt Resolution 11-2008 setting the fee of \$1500 for a Conditional Use fee for Age-Restricted Development as outlined in Ordinance No. 3-2008. Unanimously carried.

ORDINANCE 4-2008 – Inter-municipal Agreement for Municipalities within Cornwall-Lebanon School District

Sol Wolf explained Ord 4-2008 is regarding an agreement between all municipalities within the Cornwall-Lebanon School District. The agreement outlines choosing a representative and an alternate member to sit on the EIT Executive Board. The municipalities involved are North Lebanon Twp, South Lebanon Twp, North Cornwall Twp, West Cornwall Twp, Cornwall Borough and Mt Gretna Borough. The Solicitors for all the municipalities had met last week to discuss this issue. It was reported that all six municipalities are having the same type of Ordinance acted upon by their respective Boards. The one exception is Cornwall Borough. They had decided to hold off and see if there are enough other municipalities acting on this Ordinance. If their action is needed, they will do so at that time.

ORDINANCE 4-2008 (con't)

To date South Lebanon Twp adopted the Ordinance last week. West Cornwall and Mt Gretna Borough will be doing the Ordinance in early June. North Cornwall is expecting to complete their adoption in June. The actual Ordinance outlines North Lebanon Twp entering into an agreement with the other municipalities to elect a representative. The representative and the alternate will serve 2-yr terms. The choice will be made by the most populous municipality choosing a representative first and rotating down to the lowest population doing 2-yr terms.

All the municipalities will have an opportunity to elect someone to sit on the Board. North Lebanon Twp is the most populated with South Lebanon being next. North Lebanon Twp would elect a representative with South Lebanon choosing an alternate. The agreement may have to be amended from time to time and that will be done by going back to all the Boards for approval. Sol Wolf spoke about the provisions in the agreement regarding the actions of the representatives and how those decisions will reflect on the individual municipalities. He asked for questions from the public at this time.

Martin Barondick confirmed that North Lebanon Twp elects a representative and South Lebanon elects an alternate. Once the representative, chosen by NLT, has served the 2-yr term, does the alternate then move up? Sol Wolf replied yes. Barondick then asked if the 3rd populous elects an alternate. Sol Wolf replied yes. A conversation about whom NL Twp should elect as a representative followed.

Charles Allwein questioned the costs involved for a representative to sit on the Board. Whose responsibility is it? Sol Wolf replied should there be any costs; the EIT Board absorbs the costs. Also discussed was the necessity for keeping the EIT Board in existence with new members, versus the elimination of the current EIT Board.

MOTION was made and seconded to adopt Ordinance No. 4-2008 regarding an Inter-municipal Agreement with the other Cornwall-Lebanon School District municipalities. Unanimously carried.

EIT Representative

Mgr Grumbine and Sol Wolf felt it would be a good idea to take care of appointing the representative for North Lebanon Twp to sit on the EIT Board. Some discussion took place about how the representative and the alternate would serve. Mgr Grumbine said it is her understanding that the representative would serve 2 years and then the alternate would step in and serve 2 years as the representative.

Suv Brensinger asked how the representative will know which way to vote, considering all 6 municipalities (Cornwall-Leb School District). Sol Wolf estimated that the 6 municipal managers will need to meet and decide on certain issues. The information will be relayed to the representative. He said the representative does not have the authority to vote on any one of the municipalities financial issues without that municipality giving their agreement. The representative should meet and hear the 6 municipality's feelings on certain issues to take into the meeting. However once the meeting is in session and votes are being taken, that individual will be making the decision. Suv Brensinger said he agrees that Jim Loser from South Lebanon Twp is very business savvy and will consider the overall best decision for all 6 municipalities. However he needed to be assured of that fact.

Mgr Grumbine repeated she is recommending that Jim Loser, of South Lebanon Twp be selected as North Lebanon's representative for the EIT Board. It has been discussed and agreed by South Lebanon Twp that they would appoint Cheri Grumbine, of North Lebanon Twp, to serve as the alternate member. In 2 years time when Jim's term is served, Cheri will then move up to representative and North Cornwall will appoint an alternate member. Mgr Grumbine repeated to the Supervisors that this is the best possible course of action to take. She is still serving on the Personnel Committee and wants to see it through until the need is no longer there. She feels strongly Jim Loser is an excellent choice for the Supervisors to make.

EIT Representative

Suv Brensinger stated again he wants to be assured that he, as a Supervisor, and the whole Board will know the agenda prior to the meetings of the EIT.

MOTION was made and seconded to appoint Jim Loser of South Lebanon as the representative to the EIT Board with the agreement that Cheri Grumbine will be South Lebanon's appointment as the alternate member. Unanimously carried.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine**A.) Briar Lake Phase 3 – Revised Subdivision Plan (Walking Path)**

This plan shows a minor revision to the location of the walkway easement. The path has been relocated from between Lots 58 & 59 to Lots 59 & 60. County Planning and the NLT Planning Commission have both recommended approval of this plan.

MOTION was made and seconded to approve Briar Lake Phase 3 Revised Subdivision Plan. Unanimously carried.

B.) Heist Final Subdivision Plan (George/Marian Heist; Horst & Shaak Equitable Owners)

This plan shows a lot addition of 11.3989 acres to the adjacent lands of George/Marian Heist, the establishment of a 50' wide right-of-way and the residual 3.92 acres containing an existing dwelling. The plan has received an approval from the Municipal Authority. A permanent access easement agreement, granting perpetual access to the residual parcel, has been prepared to the satisfaction of Sol Wolf. This agreement will be recorded prior to the recording of the subdivision plan and the recording information will be noted on Page 1 of the plan before it is recorded. County Planning and our Twp Planning Commission have reviewed and are recommending approval by the Board. Some discussion followed about the agreement and the proposal of a cul-de-sac. Sol Wolf explained the area will be maintained by the property owners, not the Twp. Mgr Grumbine mentioned there is an outstanding invoice owed by George Heist in the amount of \$100 which should be paid before this plan is released for recording.

MOTION was made and seconded to approve the Heist Final Subdivision Plan with the stipulation that the outstanding invoice, owed by Mr. Heist, is paid to the Twp before the plan will be released for recording. Unanimously carried.

C.) TIS – Holiday Inn Express

The Holiday Inn Express Subdivision and Land Development Plan is nearly completed. Mgr Grumbine is anticipating it will be on the agenda for the Supervisors' June 16th meeting. One important aspect of this plan is the Traffic Impact Study, which has been revised from the former Bruster's plan to the existing Holiday Inn Express plan. Tom Kotay, as the Planning consultant to the LCPD has reviewed the plan and is in agreement with the contents. Mr. Kotay also put together some of the background and calculation for the "Fair Share" expenses. He quoted the total cost for a demand actuated traffic signal and improved channelization at this location in today's dollars is approximately \$605,000. Estimate would include preliminary engineering and environmental clearance, final design, possible utility relocations, traffic signal, pole/mast arms, mobilization and traffic control, paving and pavement markings, signs and 10% contingencies/construction inspection. In applying the inflation factor the projected estimated cost in 2018 is \$830,000. According to Kotay, a "Fair Share" for the developer of the Holiday Inn Express, based on a given calculation, is projected at \$19,173.

Suv Hawkins asked if the County would provide any financial help with this project. Mgr Grumbine explained that the MPO would be the committee we would be working with. A discussion about the concerns for this intersection followed. The Traffic Study Information is being provided to the Board, prior to seeing the final plan, in order to have sufficient time to review. If there are any questions Mgr Grumbine suggested that the Traffic Engineer from the ELA Group and/or Tom Kotay be requested to attend a meeting for discussion.

D.) Dundore Subdivision Plan – Curb/Sidewalk Waiver Request

Mgr Grumbine informed the Supervisors that the Planning Commission had reviewed a waiver request from the Engineer that is preparing the plan for the Dundore 3-lot residential subdivision plan. A waiver from the curb and sidewalk requirements is being requested. The Planning Commission will be making their recommendation at their June 9th meeting. A GIS map of the area located on the corner of East Canal St and 4th Avenue is being provided so that the Supervisors will be able to visit the area to review this request before the next meeting.

E.) Fuel Bids

Per direction from the Supervisors the Fuel Bids were re-advertised. On Friday, May 16th at 10am the second bid opening was held. Bid results were as follows:

- 1.) 87 unleaded Octane (Fleet Card System) – Leffler no bid; Meyer Oil \$3.659
- 2.) .05 L/S Hwy Diesel (Fleet Card System) – Leffler no bid; Meyer Oil \$4.449
- 3.) Heating Oil (delivered to Twp) – Leffler \$3.7418; Meyer Oil \$3.375
- 4.) .05 L/S Hwy Diesel (delivered to Twp) – Leffler \$3.9580; Meyer Oil \$3.581

It was also noted the both bids came with escalator/de-escalator provisions. After some discussion the Board was in agreement that it was a good decision to re-advertise the bidding process.

MOTION was made and seconded to award the gas and highway diesel bids to Meyer Oil, as the low bidder, and includes heating oil and highway diesel to be delivered to the Twp building. Unanimously carried.

F.) Park Rentals

During the May 5th meeting a discussion was held on the suggestion of daytime rentals having its own rate. Noting that no additional employee time will be needed to open or close the facility, a suggestion was made to offer a daytime rate of \$50. 2008 could be used as a trial year to see how the daytime rate would work out. The rentals would have to be scheduled for the weekdays between the hours of 8:00 AM and completed by 3:30 PM. If the rental is scheduled past the 3:30 pm time a fee of \$80 would be required. This rate would also not be available for Holidays or times when the office is closed for the day. The Park & Rec Board is of the opinion this might create some interest from smaller groups and would generate additional revenue to the Township for Park & Rec purposes.

MOTION was made and seconded to approve the weekday rate for pavilion rentals at \$50 between the hours of 8 AM and 3:30 PM; \$80 if scheduled beyond the 3:30 time, no Holidays and not on the days the office is closed as a trial for the 2008 season. Unanimously carried.

G.) Pertinent Matters**1. Linford Snyder – discussion with Karl Kerchner**

The Linford Snyder farm located on Kercher Ave was discussed at the May 5th meeting. The de-silting pond that was constructed on his property for the purpose of collecting watered debris from the Rte 81 project was discussed. Mgr Grumbine has since discussed this with Karl Kerchner of the Conservation District. He indicated a similar pond had been operating on Snyder's Bethel Twp property. The filtering process of the project worked well. However a neighboring well showed lime in the well that supplied the chicken houses. Mr. Snyder voluntarily shut down the operation in Bethel Twp.

2. Always Bagels - Act 14 Notification

Entech Engineering has provided a notification on behalf of their client Always Bagels, Inc. The notification states that Always Bagels is submitting the plan approval application to DEP for the installation of a new oven for the production of bagels. They are considering locating in the Lebanon Rails Business Park on Hanford Drive. The Twp has received no submission of a subdivision/land development plan to date. The Twp is asked to provide written comments to DEP within 30 days of receipt of the letter, which is dated April 30.

Always Bagels - Act 14 Notification (con't)

A copy has also been provided to Sheila to review with the Municipal Authority. Steckbeck Engineering indicated they will be staking off the lot on Hanford Drive to prepare for the subdivision of the lot. Another engineering firm will be preparing the land development plan.

3. Kreiser Fuel Service Land Development Plan – County Engineer Inspection for Compliance

The Twp has received a copy of a letter from LCPD regarding a recent site inspection conducted at 1610 N 7th street. The County Engineer stated the site improvements have not been maintained in accordance with the approved Kreiser Land Development Plan (previous owner of property) and are requesting corrective action be taken by June 30, 2008 by the current owner.

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

Sol Wolf explained that after a brief is filed pertaining to the Twp's maintenance issues, there will be a 30-day wait period. After that there will be approximately 6 months to wait.

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

Sol Wolf explained he has not had the opportunity to speak to Sheila on whether or not she has heard from the football assoc. The last time they had met Sheila indicated that was the only group that had not responded. To date no comments have been received from any of the associations.

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

There have been no new developments with this issue since last month. Closing out all the financial issues is still an ongoing process.

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

This Ordinance will be revised and then provided to Mgr Grumbine and the Supervisors for their final review within the next month.

E.) Dedication of Windsor Drive

Mgr Grumbine, Ass't Mgr Wartluft and Sol Wolf will be getting together to discuss any issues still outstanding with Windsor Drive in preparation for the dedication of Windsor. All the appropriate deeds and right-of-ways are now in our hands. Stormwater has been approved by the County Engineer. Due to the length of time that has elapsed, some of the documents may need to be re-dated and resigned.

F.) Code Enforcement Issues

Some of the Code Enforcement issues still have outstanding invoices to be paid. After meeting to discuss the problem again, it was decided to try one more communication. If the communication fails to promote action each separate incident will be filed with the District Justice. Officer Wengert will be completing a final inspection on each of these violations while Sol Wolf is checking on court hearing availability. It was decided that when Officer Wengert mails a violation notice, an invoice, prepared by Bonnie, will be included at the same time and will explain any future inspection bills will be payable within 30 days. Sol Wolf is suggesting that Officer Wengert provide a quarterly report to the Supervisors on completed inspections and any outstanding violations.

COMMENTS FROM BOARD MEMBERS

A.) **Chairman Brensinger** announced the Twp offices will be closed Monday, May 26th due to Memorial Day observance. Also as a reminder he stated that in June, July and August the Supervisors will be meeting only one time a month. It will be the 3rd Monday of each month. Suv Brensinger announced the Board will going into executive session following this meeting to discuss personnel and litigation issues.

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

Respectfully Submitted,

Theresa L. George
Recording Secretary