

**MINUTES
NORTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS
JUNE 21, 2010**

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:

Kenneth C. Artz	Chairman
Richard E. Miller	Vice – Chairman
Edward A. Brensinger	Treasurer
Harold L. Easter	Chief of Police
Frederick S. Wolf	Henry & Beaver LLP

Absent: Cheri F. Grumbine Township Manager

Also in attendance were several other individuals. The meeting was called to order and the pledge to the flag was done.

COMMENTS FROM THE PUBLIC

A.) Bruce Sattazahn – Weavertown Road; Roberto’s Towing

Mr. Sattazahn told the Board he is concerned about the property located on Maple Street and is home to Roberto’s Towing. The Twp had issue with Roberto when he had his business down the street from his current location. It appears history is repeating itself as the property is showing sign of becoming a salvage yard. Sattazahn reported there are stacks of tires and cars in various states of repair being placed on cement blocks on the property. He added he had spoken to Chf Easter about this issue.

Chf Easter explained that Lt Wengert had visited Roberto’s on several occasions to discuss what issues needed to be addressed to be in compliance with the Twp Ordinances. He has cited Roberto for some of the items already and has scheduled a timeframe for the completion of the other items. Sattazahn told the Board he does not understand how one individual can have repeated warnings and chances to comply. At what point does this issue go to the courts for determination? Sol Wolf explained the decision to take it to the courts will be made by Lt Wengert. When he determines that there is not any effort or progress being made on the non-compliance he will indicate to Sol Wolf it is time to file paperwork for court action. Sattazahn told the Board he has some real estate for sale in this area. The real estate agent had told Bruce that the property down the street is looking very shabby and it does not help Sattazahn’s chances of selling his property. He continued on to ask the Board and Chf Easter to stay on top of this guy and his property violations.

B.) Glenn Kreiser – Shellie Street; EIT/TCC Issue from Last Meeting

Mr. Kreiser asked the Board about an issue that had been discussed at the May Supervisors meeting. Mgr Grumbine had been talking about the regional comprehensive planning group that is being formed. Mr. Earl Roberts had voiced an interest and Mgr Grumbine was going to ask some questions of the other municipality representatives to find out if the public is able to attend the meetings or become a representative. Chp Artz told Kreiser he does not have an answer for him as Mgr Grumbine is not in attendance to report on this question.

Earl Roberts stated Cheri had provided him with a copy of the information she had been referring to. It was a basic agreement between the municipalities and how the group would be structured. It was not actually asking for any bids to be released for engineering firm’s quotes. Roberts said he remembers Cheri saying the next meeting is to be held in August and she would ask questions at that meeting.

APPROVAL OF MINUTES

MOTION was made and seconded to approve the minutes from May 17th Board of Supervisors meeting and the June 10 special joint meeting with the Supervisors and Municipal Authority Board. 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 – George Gettler**A.) Monthly Report – April and May 2010**

George reported to the Board on both April and May activities for the 4 Fire Companies. For the month of May there were 37 calls responded to by the fire companies. There were 9 assists, 11 training sessions and 2 mutual aid calls. In April there were 16 calls for service, 12 assists and 10 mutual aid calls.

B.) Changes to Knox Box Ordinance

Sol Wolf started a conversation regarding the Knox Box Ord that had been adopted previously. During a review of the portion of the Ordinance regarding who would be affected by the Ord and it seems there is some confusion as to exact meaning. The Board has agreed to review the verbiage and consider a revision to try to clarify the language. The confusion pertains to residential addresses and the auto dialer alarm systems. A discussion followed about some of the concerns and the confusion pertaining to the auto dialer alarms and the Knox Boxes.

George Gettler told the Board it is important this issue be resolved so that the fire companies are able to enforce the Ordinance. He is hopeful this issue will be resolved very shortly and suggested the Supervisors meet with the Fire Chiefs at their next meeting, July 7th. Suv Miller agreed with Gettler it is important that all of the Supervisors and the Fire Chiefs meet to iron this issue out. He stated he would like to schedule a time as soon as possible for this meeting to take place, however he will not be able to meet July 7th. Gettler replied that most of the Fire Chiefs are available with the exception of Don Steiner of Weavertown Fire Co. Don's availability is dependent upon his work schedule. Suv Miller told George they would be in contact with him on scheduling a meeting. Sol Wolf said after a revised draft of the language is completed a copy will be provided to the four Fire Chiefs and the Board members. The Fire companies can then communicate via email messages their agreement of their concerns on the language. Suv Brensinger assured Gettler that nothing will be changed without first consulting the 4 fire companies. This Board is not looking to disrupt the relationship with the fire companies.

C.) New Equipment – Rural Security Fire Company

Gettler told the Board he is proud to report Rural Security is the first fire company in NL Twp to add a piece of equipment to their inventory that was manufactured in the 21st century. A 2001 American LeFrance engine was purchased to a 1986 Ford. It should be in service within the next 2 months.

CHIEF OF POLICE REPORT – Harold Easter**A.) Calls for Service – May 2010**

Chf Easter provided a summary of the calls taken by the Police Dept for the months of May 2010. A total of 296 calls for service were reported in May.

B.) Illegal Fireworks

Chf Easter stated that with the fourth of July coming up it is important the public know that all fireworks, other than what is purchased in the stores and roadside tents located in PA, are illegal. He said the Police Dept is usually very busy that day and after a warning if they have to come back a second time the individual(s) are fined.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine (Read by Sol Wolf)**A.) Application for County Aid 2010**

The awarding of the Kochenderfer Road project has now been completed. The next step is to process the annual Application for County Aid (County Liquid Fuels) using the actual bid amounts. The Twp receives \$6,489, annually, but must make application and outline a specific project. Upon completion of the Kochenderfer Road project the Twp can submit to receive the payment of \$6,489 through the County. The Board is being asked to approve the “Application for County Aid” and to sign the application.

MOTION was made and seconded to authorize the signature on the application and to process the application to the County for additional Liquid Fuels. Motion was unanimously carried.

B.) Annual MS-4 Report Submitted to DEP – June 2, 2010

As required the Annual Report to DEP for the Twp’s MS-4 Permit has been submitted. This is the last year on our current permit and provides detailed information on how the Twp has met our goals on each of the 6 Minimum Control Measures. The only outstanding goal is the inspection of the outfalls and the testing required if any illicit discharges are found and the source cannot be located. Roadmaster Brensinger is currently working on completing the inspection as well as using the GPS unit to electronically map these structures.

Roadmaster Brensinger, Ass’t Mgr Wartluft and Mgr Grumbine attended a workshop on June 10th in Lancaster where various speakers reviewed and updated the MS-4 Permit regulations. As the Twp’s current permit will expire in 2011, by September 10, 2010, a new application must be submitted to DEP for a new MS-4 Permit. DEP has communicated that there will be no further extensions and this new permit will be required. As this time, the details of the application and the regulations are not available.

C.) Re-address Properties on Glenn-Lebanon Drive

Upon the request from a resident who resides off Glenn-Lebanon Dr, some address changes were reviewed and assigned. The address of 42 Glenn-Lebanon Dr was issued to the Glenn-Lebanon Fire Company per their request.

D.) Traffic Impact Study – Lebanon Rails Business Park

At the time Valspar located in the newly approved Business Park a Traffic Impact Study was completed for off-site improvements. Those off-site improvements included the traffic signal located at Rte 72/Tunnel Hill Rd/ 22nd Street, the signal located at N 25th St at the railroad overpass and the widening of 25th St and Union Canal Dr. LVEDC was required at that time to provide a future Traffic Impact Study for a full build-out of the Lebanon Rails Business Park that would show what improvements would be required as the lots were sold. LVEDC could market the remaining lots with known improvements by potential developers/ companies.

A revised Traffic Impact Study has been received. Mgr Grumbine has provided the first 22 pages of the report for the Supervisors review. Also being provided is ELA’s written response to the original PADOT comment letter of December 22, 2009. The complete TIS are available in the office to review as it is too cumbersome to make copies. Any discussions regarding this report will be reported back to the Board. If the Board should have any comments, Mgr Grumbine forward to the applicable person(s).

E.) Junkyard Renewal License – Reazer’s

A renewal application and fee has been received from Reazer’s Junkyard located on Elias Ave. Lt Wengert has indicated there is one issue he is working on with Mr. Reazer but feels the renewal license should be approved.

MOTION was made and seconded to authorize approval of the 2010 renewal license for Reazer’s Junkyard pending completion of the non-compliant issue Lt Wengert had noted. Motion was unanimously carried.

F.) Damage to Traffic Signal Cabinet Rte 422/ 15

Sol Wolf asked Suv Brensinger to explain this issue. Suv Brensinger stated Sgt Koons had contacted him about damage done to the signal box located on Rte 422 and N 15th Ave. Sgt Koons had been called to an accident at that location. A student truck driving vehicle had struck the cabinet while trying to negotiate a turn from Rte 422 onto N 15th Ave. A temporary measure was taken to keep the traffic signal operational. Due to the quote for repair of the cabinet received from CM High, Suv Brensinger had asked Sol Wolf if this repair would require the bidding process.

Sol Wolf responded that this damage would be classified as an emergency repair which would not fall under the bidding process due to the fact the safe flow of traffic is controlled by this signal. There was much conversation about the procedure for payment of this repair after it is completed. When asked what the quote had been, Sol Wolf replied it is for \$11,060. Sol Wolf told the Board the insurance company for the truck driving school is held accountable for payment of the repairs. There was more discussion on whether the invoice for the completed traffic cabinet work would be processed from the Twp accounts and then reimbursed from the truck driver school's insurance company.

MOTION was made and seconded to approve C.M. High completing the emergency repair to the signal box cabinet and to authorize Sol Wolf to file whatever paperwork is necessary with the trucking insurance company for the costs of the repair work. Motion unanimously carried.

SOLICITORS REPORT – Solicitor Frederick S. Wolf (Henry & Beaver Assoc)**A.) Update to Pre-Treatment Ordinance.**

Sol Wolf reported this project is still ongoing. The Twp is waiting to hear back from Jon Beers.

B.) Misc Ordinance Updates

This is an annual review to see what Ordinances need to be revised and updated. The process has begun by asking anyone who has requests to forward the info to Cheri to review with Sol Wolf.

C.) Delinquent Code Enforcement Policy / Accounts

Sol Wolf reminded the Supervisors that this issue had been discussed at the last meeting. There are certain situations that the Code Enforcement Officer had dealt with in the past and the issues were completed. After completion there were fines and other costs that had been compiled. The fines were paid however the other costs have been outstanding for a long time. It has become obvious that these costs are not ever going to be collected.

The Twp Auditor had indicated these costs cannot be declared uncollectible until the Supervisors take some type of action on this situation. Sol Wolf repeated the whole history of how these amounts were accumulated. The Twp is now following a different procedure than they had in the past. The actual owners of the properties are now involved as well as the tenants. Three situations are now being labeled uncollectible (all 3 are mobile homes) and the Board is being asked to take action on this issue.

1. 1854 East Mifflin Street
2. 1719 East Lehman Street
3. 10R David Drive

Sol Wolf repeated to the Board it is necessary this action be completed in the public meeting in order to have the action on record. Suv Miller questioned if action taken by the Board means there will be no more attempt to collect the funds owed to the Twp. Sol Wolf replied, no not necessarily. It means the Twp is writing the amount off the records. It is not eliminating these amounts which will be discussed periodically. Information will still be accumulated to insure the individuals do not own any properties that the Twp can collect from. Chp Artz repeated these issues would not maintain on the books any longer but will remain in the Twp files. Suv Miller questioned if there is anyway, when these situations go to court, restitution can be asked for. Chf Easter repeated that this cannot be done in the courts. Suv Brensinger questioned when these fines are paid, how the funds are distributed. Chf Easter stated the Ordinance reads that all funds are received by the Twp.

Suv Brensinger mentioned that the collection of these other costs would go into the General Fund to help offset the other costs. Sol Wolf and the Board are in agreement that Lt Wengert and Chris Miller are doing a good job of getting these locations in the Twp cleaned up.

MOTION was made and seconded to declare the code enforcement costs for 1854 East Mifflin Street, 1719 East Lehman Street and 10R David Drive as uncollectible for the annual audit. Motion unanimously carried.

D.) Resolution No. 15- 2010; Conduit for Moravian Manor Bond Issue

Resolution No. 15- 2010 states the Board of Supervisors is approving the Municipal Authority acting as a conduit for Moravian Manor. The Authority has acted in this capacity in the past. The Authority acts as conduit for Moravian Manor to refinance. The Mun Authority and the Board is not responsible in any way for the loan. The way the IRS has the law set up allows Moravian Manor can get the loan at tax free rates (interest rates) if received through the Mun Authority. The Authority receives a onetime payment for acting as a conduit. In addition, for every year the loan is in existence, an annual fee is received by the Authority. The Authority places these funds in the Operation & Maintenance fund. The Supervisors are being asked to indicate approval.

MOTION was made and seconded to adopt Resolution 15-2010 authorizing the Municipal Authority acting as conduit for Moravian Manor. Motion unanimously carried.

E.) Resolution No. 16-2010; EIT Over/Under Issue and Agreement

Solicitor Wolf presented Resolution No. 16-2010, which is being provided to North Lebanon Township and was drafted by the Attorney for the City of Lebanon, Donna Brightbill. The Board previously received information regarding what money is due to North Lebanon Township based on the 4-year analysis performed by McKonly & Asbury. This Resolution is being given to those municipalities and school districts that were underpaid. What the Resolution approves is 2 things. First, the approval of the payback plan known as the “Grumbine” plan. The original Plan, suggested a payback plan for overpaid communities at the rate of either 10 years or at 1.5 mills, whichever provided a smaller annual payment. This provided a 10-year payback plan for all but 3 communities. Those 3 communities were Heidelberg Township, Cornwall Boro, and Mt. Gretna Boro, which were extended beyond the 10 years to 12, 14, and 20 years. The Modified Payback Plan now reflects payments for each of these 3 communities for 20 years. Solicitor Wolf stated that part of the reason for this effort at this time is to get the municipalities and school districts that are owed money to see if they can agree on the Plan. If the “underpaid” communities agree on the Plan then the Plan will be forwarded to the “overpaid” communities for their approval.

Secondly, those municipalities and school districts that vote in favor of this Plan will end up signing an Inter-Municipal Agreement. Manager Grumbine has a lot of good questions that were raised regarding the Inter-Municipal Agreement. At this point approving the Resolution would only approve of the Inter-Municipal Agreement substantially in a form for us to receive a final agreement for approval before it would be signed. In theory what this will do, if everyone signs the Inter-municipal agreement, both overpaid and underpaid, the signed agreement will go to the Court to confirm and enter an Order of Court of Acceptance of the Plan and requirement of payment of those monies. If there are municipalities and school districts on either side that do not approve of the Resolution then they will be excluded at that point from the Inter-municipal agreement and Court approval. At that point any municipality and school district that does not participate in the Inter-municipal Agreement will be subject to a decision made by those who are owed the money (underpaid) to determine if whether they are going to file an action to collect.

Solicitor Wolf stated that from what he is hearing that is what is expected to be done. The purpose of this Resolution is to try to get to a point with all the discussion that has been taken place over a year to have people finally vote on whether they are in or out on agreeing to the Plan. Solicitor Wolf stated that it is up to the Board whether they want to take action tonight or wait until Manager Grumbine is present in July for her input, as they do not need to take action tonight.

Resolution No. 16-2010; EIT Over/Under Issue and Agreement (con't)

As Manager Grumbine had spent a lot of time on this issue it may be best to wait for her input. After much discussion the Board members indicated to Sol Wolf that they are ready to act on this Resolution.

MOTION was made and seconded to adopt Resolution 16-2010. Motion unanimously carried.

F.) Health Insurance Issue; Statement about resolving of

The Twp changed health insurance providers in January of 2010. A question was raised pertaining to the children of employees and at what age they are no longer covered. With the new health care Act it was discovered that there is no longer an additional charge to include grown children for coverage. Sol Wolf informed the Board this is for informational purposes only.

COMMENTS FROM BOARD MEMBERS**A.) Information Requested at Last Meeting**

A question was raised at the last meeting pertaining to overtime hours for the Police Dept. Suv Brensinger provided Glen Kreiser a copy of Police overtime up to and including the month of April 2010.

B.) Kochenderfer Road Project Update

Suv Brensinger reported that the Highway crew, along with other Twp employees, is working on the stormwater systems along Kochenderfer Road. Martin Paving has been notified to “pencil” this project in for the middle of July. Once a more solid idea of time is received contact will be made with Pennsy who is doing the actual paving. Timing is the key to this project according to Roadmaster Brensinger. He is hoping that by early August we will have a new road for Kochenderfer Road. He commended the utility companies for stepping up the plate and completing their tasks.

C.) Volunteer Clean-up; Avon area under Rte 422 Bridge

Mr. Harry Fenton had attended the last meeting and explained the clean up for the Avon bridge area. Two days later he called Ed to tell him the debris has been collected and is ready for pickup. The pickup was made and the GLRA took the pile free of charge. Suv Brensinger commended Harry Fenton and his group for taking on this task.

D.) Testimony before PA House Transportation Policy Committee Hearing – 5/27/10

The Transportation Committee conducted hearing across the state to hear about the needs for funding related to highway repairs and bridge replacements throughout the state. The elimination of the tolling for I-80 had left a huge deficit for transportation funding. Kris Troup, of County Planning, and Roadmaster Brensinger testified at the hearing as to the costs involved. The results of the hearing will be reflected when the budget is announced.

E.) Suv Miller – Emergency Snow Removal

Suv Miller said he will be working on some research regarding emergency snow removal as he plans to have some ideas for Board review and Sol Wolf’s comments to be included with the Ordinance updates before winter sets in.

With no more business to conduct, the meeting adjourned with Chp Artz stating that this Wednesday the Board will be meeting with Chris Miller, Lt Wengert and Chf Easter for an executive session for litigation purposes.

Respectfully Submitted,

Theresa L. George
Recording Secretary