

**MINUTES
NORTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS
AUGUST 17, 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
Cheri F. Grumbine	Township Manager
Harold L. Easter	Chief of Police
Frederick S. Wolf	Henry & Beaver LLP

Absent: Dawn M. Hawkins Treasurer

Also in attendance was Scott Miller, Paul Zimmerman representing Landmark Builders, Brad Habecker of the Lebanon Daily News and several other individuals. The meeting was called to order and the pledge to the flag was done.

COMMENTS FROM THE PUBLIC

A.) HACM Inc. Subdivision Plan (Lot Addition) - Sandhill Road; Matthew & Hockley

This plan shows a property located on the west side of Sandhill Rd. The plan shows two separate lot additions from the lands owned by HACM to be combined with lands owned by Karl & Cheryl French. Lot Addition "A" will be added to the property which currently contains a single family dwelling. Lot Addition "B" will be annexed to the property which contains the current storage units. Lebanon County Planning is recommending approval of the plan and the NLT Planning Commission is recommending their approval as of their 8-10 meeting. The Authority has reviewed the legal descriptions for the lot additions being combined into one deed for each property and has given approval of the plans.

Glen Kreiser questioned the Zoning involved with these Lot Additions. The lands owned by HACM are zoned AG and the 2 properties owned by French are zoned R2. Kreiser asked if that means the zoning will change on the Ag portion being added to the R2 portion. He was told no it will remain as AG unless Karl French petitions the Twp to have the zoning changed.

MOTION was made and seconded to approve HACM Subdivision/ Lot Addition plan. Motion unanimously carried.

B.) Harold E. Moody Subdivision Plan – Strack Drive; Matthew & Hockley;

Resolution No. 24-2009 – Planning Module

The Harold Moody plan illustrates a 1 lot subdivision plan for single family residential use. Proposed Lot #1 is to contain 2.90 acres and contains a single family dwelling, shed, garage and a driveway access onto Strack Dr. The residual lands are to retain 4.59 acres in area and contain a single family dwelling, shed and driveway access onto Strack Dr. Lebanon County Planning Dept is recommending approval of the plan as well as the NLT Planning Commission. The Planning Commission did express a concern about a new well not being drilled for Lot #1. Their recommendation for approval is contingent upon the well being drilled within the next 90 days. Mgr Grumbine stated she had received the paperwork now on the well that had been drilled by Gill Rock Ind. The Park & Rec agreement has been signed and submitted and a Planning Module has been provided for the Supervisors to approve.

MOTION was made and seconded to approve the Park Rec agreement, Resolution 24-2009 for the Moody Planning Module and the Harold E. Moody Subdivision Plan. Motion unanimously carried.

**C.) Scott Miller/ Paul Zimmerman – The Crossings – concrete vs. macadam in R-O-W?
Kimmerlings Road Widening/ Sewer Issues**

Scott Miller informed the Supervisors he had attended the Planning Commission meeting last week and issues arose which needed to be clarified.

1. The widening of an area along Kimmerlings Rd was discussed and the extension of the sewer line. Also to be placed in this area is the storm water and under drain and a cross pipe. A question was asked about keeping all improvements within the shoulder widening area. Scott repeated that Landmark has tried to make sure that containment is accomplished. They are looking for clarification on a sewer manhole that will not be totally within the shoulder. Landmark is asking for relief from overlaying the whole frontage along the property and over laying just the shoulder widening area. Chm Brensinger stated that he is satisfied with the shoulder area being done as Kimmerlings Rd has been on the Twp's radar for paving for the last few years. Landmark is replacing and improving the storm water pipe which is helpful to the Twp. He said he is agreeable with what Landmark is suggesting.

MOTION was made and seconded to allow Landmark to overlay the widening area where the improvements will be placed and not require an overlay for the entire width of Kimmerlings Rd. Motion unanimously carried.

2. Previously the Planning Commission had agreed to a concrete sidewalk being located only on Briar Rose Ave for the community of The Crossings of Sweet Briar. The other walking trails would be macadam. There seemed to be some confusion as to the areas where the walking trails cross over the right-of-way areas. Scott is asking for clarity on these areas as to whether they should be concrete or macadam. Scott pointed out the few areas where this actually happens. The Planning Commission voted 3 to 1 to recommend the r-o-w areas be concrete. They suggested the Supervisors make the final determination. The right-of-way areas were discussed and then the Board was ready to take action.

MOTION was made and seconded to accept concrete sidewalk on Briar Rose Ave with the option of macadam for the walking trail in the other right-of-way areas. Motion unanimously carried.

D.) Glen Kreiser – Garbage Transfer Issue

Kreiser told the Board he would like to apologize to the Chief for a discussion that took place at the last meeting. After thinking about it he realizes the Chief was only enforcing the Ordinances the Supervisors establish. It would be up to the Board to make Ordinance revisions.

E.) Martin Barondick – Delinquent Tax List

Mr. Barondick said he read the delinquent tax list in the newspaper. Last year he brought to the attention of the Board the name of a Planning Commission member whose name was on the list. This year the name was on the list again. He told the Supervisors he felt this person should not be holding a position on the Planning Commission. His opinion is that the Board/Commission members are representatives of this Township and this person is setting a bad example. Chm Brensinger told Barondick this issue was researched last year and it is not a reason to ask for a resignation. He said this person's performance on the Planning Commission is not affected by the tax issue. Chm Brensinger continued on to say he feels a good job is being done by this person. Suv Artz said he has to agree with Suv Brensinger on many of the thoughts he has expressed. Barondick voiced his disagreement with the Board's opinions.

APPROVAL OF MINUTES

MOTION was made and seconded to approve the minutes from July 20, 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**A.) Monthly Report – July**

Brian Vragovich gave the Supervisors a report on all the activities for all 4 Fire Companies for the month of July. There was a total of 31 responses and a total of 398.30 minutes of man time. He also outlined the number of times certain pieces of equipment were used throughout July.

B.) Update Knox Box Key Policy

Brian told the Board there has been some progress made on the Knox Box issue. Some of the Knox Boxes have been purchased. The task of creating pin numbers and a spreadsheet for the selected individuals from the fire companies is being worked on at this time. Boxes to be placed in each of the apparatus are being purchased. Brian described for the Board the series of events that will need to take place to release the Knox box. An officer in charge will contact County EMA and EMA will then send a signal from their end and then the officer must enter his pin number for the box to open. This system will eliminate having numerous keys everywhere. One consideration they would like the Supervisors to consider when drafting an Ordinance is to specify a location for the Knox boxes installed on the buildings. The Fire Chiefs have provided an outline of some of the issues they would like to see addressed in the Ordinance.

Chm Brensinger questioned an estimate of what the Knox box key system would cost a business owner. He was told the cost would be \$200 to \$300. Brian added that it might seem like a lot initially but would be worth the expense should an emergency situation occur.

C.) NLT Relief Association

The Relief Assoc is at this time looking for the best avenue of investing some money. It must be placed in secure investments that the money could be lost.

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

The total calls for service in the month of July was 270 with the high day being Wednesday, and Friday the second highest and then Monday. Chf Easter mentioned some of the various calls received and the total amount of miles logged on the vehicles.

B.) Junkyard License Renewal; Reazer's Inc.

Chf Easter reported that Lt Wengert has been working with Bob Reazer on his renewal for Junkyard licensing. Lt Wengert has indicated the junkyard permit is now ready to be renewed and is recommending the Board's approval.

MOTION was made and seconded to approve the 2009-2010 license renewal for Bob Reazer. Motion unanimously carried.

C.) Car Sales on N 11th Ave/ E Lehman St

Glen Kreiser asked Chf Easter if anyone had followed up on his comment about car sales being conducted from N 11th Ave. Chf Easter stated he had provided the information to Lt Wengert. Lt Wengert had replied he was aware of it and will be handling the issue. Chf Easter stated that when he speaks to Lt. Wengert on an issue he knows it will be addressed. Sol Wolf added it may be a zoning issue which would make it a problem for LCPD to handle.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine**A.) Outstanding Met Ed Issues**

Mgr Grumbine reminded the Supervisors that the issue of widening Kochenderfer Rd had been discussed previously. Contact had been made with Met Ed in February of 2007 concerning the relocation of 12 poles located along Kochenderfer Rd. Mgr Grumbine had documented a series of communications to Met Ed from the Twp during the timeframe of February of 2007 through August of 2009.

Outstanding Met Ed Issues (con't)

At this point the lack of information and movement on this issue has stalled the Township's ability to upgrade Kochenderfer Rd. The Twp does not wish to pave Kochenderfer Rd until this pole relocation issue is accomplished. Ed will perform various pipe upgrades this year to prepare for future paving.

Another concern is the permit application procedure required by the Twp. Met Ed works on a lot of repairs within the Twp right-of-way in association with downed poles and wires. Rumor has reached Ed that the municipal permit procedures are not being followed as they had been when the former Met Ed Supervisor was working this district. He suggested drafting a letter stating our displeasure with the lack of communication and progress being made on these issues. The Board indicated their agreement to draft a letter for Mgr Grumbine to address compliance with permit requirements for work performed in Twp right-of-way.

B.) Tenaska – Meeting with Lebanon Water Authority

Mgr Grumbine attended a presentation by Dan Culver (Tenaska Company) at the City of Lebanon Authority. To date there has been no formal plan submission of any type to the Twp. However Mgr Grumbine continues to follow the issue in order to stay up to date with the latest information. A lot of discussion took place about drought contingencies and the gallons of water used per day to operate a plant. Mr. Culver indicated that Tenaska recognizes the Authority's responsibility is to its existing customers and would require Industry to cut back on its consumption during a drought emergency. He stated that Tenaska would have to have multiple choices within their own plan for this type of situation. Culver also spoke about the options to secure sources for water. He said they are looking at the Susquehanna River as a water source. It was reported that they have piped water as far as 45 miles and the Susquehanna would amount to 38 miles. Mgr Grumbine told the Board she will continue to attend these meetings when she is aware that a Tenaska representative will be present.

C.) City of Lebanon Authority

The City of Lebanon Authority has issued invitations to attend the third annual meeting with the municipalities that are serviced with water/sewer. The tentative date is Thursday 9-03-09 at 2:30pm. The meeting is expected to last 1½ to 2 hours. Wynanne and Sheila usually attend the meeting on behalf of the Municipal Authority.

Chm Brensinger asked if they offer a comment time. He would like to mention the fire hydrants located in our rural areas. The Twp pays an annual maintenance and he would like to suggest that during the summer months weed killer or mowing activities take place. The weeds are so high the hydrants cannot be found. The total number of hydrants that this would apply to is approximately 10.

D.) Resolution No. 23-2009; Energizing Streetlights

Resolution No. 23-2009 is presented for the energizing of 8 ornamental street lights for Narrows Glen. The cost of the streetlights being installed is \$1200/each and is reimbursed by the developer. The Board is being asked to adopt Resolution No. 23-2009.

MOTION was made and seconded to adopt Resolution No. 23-2009 to energize the streetlights for Narrows Glen. Motion unanimously carried.

E.) Resolution No. 25-2009; Support to Reinstate Revenue Sharing

PSATS is asking the municipalities to show support for Congressman Kanjorski's bill (HR 3007) that would provide \$30 billion a year for the nation's local government. Known as the Local Fiscal Assistance Act, it is for very similar to the General Revenue Sharing Program that existed in the 1970's through 1986. If the Board adopts this Resolution, Suv Artz can hand carry our support when he travels to the NATaT conference in September and has the opportunity to meet with our Congressman.

MOTION was made and seconded to adopt Resolution No. 25-2009 to support the reinstatement of Revenue sharing (HR3007). Motion unanimously carried.

F.) NLT Safety Committee Update

Mgr Grumbine read the semi-annual summary that is provided by the NLT Safety Committee. It outlines the activities of the Safety Committee, some of their goals and some of the future endeavors. Chm Brensinger said he is surprised so much can be accomplished by meeting once a month. Mgr Grumbine said she wants to commend this group for a job well done even though it is sometimes a difficult task.

G.) 904 Performance Grant Application for 2008

The 2008 904 Performance Grant has been completed by the Recycling Coordinator. This Grant outlines the residential and commercial tonnages for recyclables collected from the haulers as well as the large commercial businesses that recycle directly. The anticipated grant for 2008 is calculated at \$19,576.09. The Board is being asked to authorize Chairman's signature on the Grant application.

MOTION was made and seconded to authorize the Chairman's signature on the application for the 2008 Performance Grant application. Motion unanimously carried.

H.) CLSD Task Force Meeting – August 31

The Managers of the municipalities within the Cornwall-Lebanon School District met on 8-05-09 to discuss an RFP (request for proposal) for a multi-municipal comprehensive plan. It is hoped a draft of the RFP will be completed by August 31. The members of the Task Force will then be able to review and finalize a list of the professional planners. It is the intention of the Task Force to have a deadline of September 30 with presentation/interviews to follow shortly thereafter. Upon completion of the presentations and interviews a better idea of the associated costs regarding the multi-municipal plan will be had. The next step would be to complete an agreement among the municipalities within the Cornwall-Lebanon School District who wish to participate and determine the associated costs for each entity.

Mgr Grumbine is also submitting a Grant application to the County Commissioners through the Comprehensive Implementation Program. The County Comprehensive Plan strongly urges Comprehensive planning within School Districts and this will meet the qualifications.

I.) Energy Grant Application

Mgr Grumbine has been gathering information on the Energy Grant portion of the stimulus package that is available to not-for-profit agencies such as North Lebanon Twp. The eGrant application has been completed and filed on line by Bonnie. Our application includes an old boiler located in the Twp building with a new more efficient and properly sized boiler. During the renovation and expansion project several years ago the heat and air conditioning systems were updated. The need for this old boiler has been reduced to heating the police garage and shop area which only requires a low temperature. Also the old boiler maintains a specific temperature regardless of outside air temperature. A new boiler would operate only when necessary which would result in saving fuel during the spring, summer and fall months.

During the sessions Mgr Grumbine had attended, it was strongly recommended that the municipality put 25% towards the cost of their project; 5% of which could be in-kind services. The total cost of this project is \$22,385; with \$16,785 requested in the Grant and North Lebanon Twp responsible for \$5,600 (\$1100 is administrative costs, which includes preparation of bid documents, Solicitor review of documents and bid advertisement). The deadline for Grant application was Friday, August 14. Scoring is projected to be completed from August 31 through September 24 and DEP anticipates awards being announced in late October with Grant contracts being executed through mid-December. If awarded we would anticipate placing bids out in January/February for completion around March.

Mgr Grumbine told the Board she wants to recognize Bonnie for completing the Grant application and pulling together all the required information to complete the 22 page application. She told the Board whether or not we will receive the grant is unknown. However we did make the attempt. Chm Brensinger agreed we will be "small potatoes" when all the submitted requests are considered.

J.) County Applies for Grant – LED Upgrades

Mgr Grumbine reported to the Board that County has applied for a Grant which would be used to upgrade all the traffic signal lighting to LED lighting. The expense difference would reflect a 75% to 80% savings.

County Applies for Grant – LED Upgrades (con't)

There are three traffic light intersection that were included for NL Twp; Rte 72 & Long Lane, Rte 422 & 15th Avenue and the shared signal at Rte 422 & Prescott. She is hopeful the fact that this is a multi-municipal project the application will be considered favorably.

K.) New Depository – Jonestown Bank

Mgr Grumbine told the Board a CD had matured and information was gathered on CD rates being offered right now. She stated the rates are really not good however Jonestown Bank offered a rate of 2.2% on new CDs. She is asking the Supervisors to approve Jonestown Bank as a depository for North Lebanon Township. The paperwork could then be taken care of tomorrow at Jonestown Bank.

MOTION was made and seconded to approve Jonestown Bank as a depository for NL Twp. Motion unanimously carried.

L.) Tulpehocken Watershed – Berks County

A letter was received from the County of Berks Planning Commission informing NL Twp that they have a Tulpehocken Creek Watershed. There was a meeting tonight, however with such short notice no one was able to attend. Suv Brensinger and Mgr Grumbine spoke to Sheila about being a representative on this committee. Sheila has agreed she would act on the committee.

MOTION was made and seconded to appoint Sheila Wartluft as representative for the Berks County Tulpehocken Creek Watershed. Motion was unanimously carried.

M.) Earl Meyer – Lebanon County Planning Dept Director; Retirement

Mgr Grumbine reminded the Supervisors of Earl Meyer's retirement at the end of this week. Due to Earl's dedication and outstanding support of the Township, she is asking the Board's approval to present Earl an "Award of Excellence" for his years of exceptional service. The Board indicated their total agreement with Mgr Grumbine's suggestion.

SOLICITORS REPORT – Solicitor Frederick Wolf**A.) Update Narrows – Glen Screen Planting & Deed Requirement Issue**

The developer has been provided with language to place on the deeds for new conveyances of the remaining lots. The new property owner would then be informed about their required maintenance. This will be monitored as the deeds are placed in the courts for recording. Some of these conveyances have already taken place. It was discussed that Sol Wolf would draft a document to be recorded in the Recorder of Deeds office which will give notice to any lot owner within Narrows Glen of the requirements for the lot maintenance. Mgr Grumbine and Sol Wolf will be meeting to review the references on the plan where the maintenance issues are listed. The information will then be included on a document to be recorded. After recording each of the current lot owners will receive a copy of the document in order for them to be informed of the maintenance requirements.

Bruce Sattazahn started a conversation on the height of the screen plantings. He repeated what he had been told at the last meeting. Until a Bond reduction is requested the trees can remain at a non-conforming height. Sol Wolf agreed that this is Landmark's position. The phrase listed is "within a reasonable time" and the time is not defined. Sol Wolf stated this is something the Twp might have to look at and make a definition of allowable time. Some discussion continued about the procedure typically followed in these situations when a developer requests Bond reductions. Sattazahn told the Supervisors he would like them to consider defining what they deem as "reasonable time".

B.) N 11th Avenue RR Crossing

The plan presented by the Railroad Company, which outlined costs, was approved by the Lebanon County MPO. The plan, the description of work and the amount to be paid by the LCMPO has been approved by PADOT also. The PUC has been made aware of these agreements. Sol Wolf has asked that the Administrative Law Judge clarify the ruling about the City of Lebanon and North Lebanon Twp sharing the annual costs of maintenance. The amount listed in the ruling was \$3000-\$4000 annually to be split between the City and the Township. Sol Wolf asked for the order to be made more specific and list “routine” maintenance regarding the signals and gates instead of all maintenance.

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

The documents have now been given to the Developer’s Attorney. Tonight Landmark mentioned their Attorney has been on vacation and next week when he returns the revisions or updates will be made to the documents.

D.) Truck Traffic Agreement; Kreiders Property- Tunnel Hill Rd

Bob Gerhart has informed Sol Wolf that all issues involved with the Kreider Plan that were required by LCPD have now been completed. A request from the Kreiders was received asking for some minor changes in the agreement. The changes will be reviewed with Earl Meyer this week as he was involved with this truck demonstration when originally completed. If he is in agreement with the changes then it will then come back to the Twp.

E.) Code Enforcement Issues

Sol Wolf has filed with the Courts on 2 property owners within the Twp. In one case the property owner is working with Lt Wengert on getting some upgrades completed. He has also been paying on Attorney’s fees and inspection costs. The second situation involves a 90-day waiting time before Lt Wengert can make another inspection to see what work is being accomplished. This information will be reported to the Board in Lt Wengert’s quarterly report.

On another property enforcement issue it has been discovered the cleanup will result in big dollar amounts. Lt Wengert is checking into see if there are any Grants available. Lt Wengert will provide an update on this situation in his quarterly report to the Supervisors.

F.) Verizon Agreement – Hiring of Special Attorney for multiple municipal review

Seven municipalities have decided to jointly seek an attorney to complete a review and make suggestions on the agreement that is to be drafted between Verizon and the municipalities. Several communications between the group of attorneys and the specialized attorney has resulted in an estimated cost of \$1000 for each municipality. All 7 municipalities must agree to this amount before the specialized attorney will agree to conduct his review of this contract and proposal for Verizon. Sol Wolf is asking for the Board’s opinion on the cost of \$750 -\$1000. Suv Brensinger and Suv Artz indicated this issue must move forward and were in agreement with the estimated cost for this service.

COMMENTS FROM BOARD MEMBERS**A.) High Safety Consulting Expenditures**

Suv Brensinger stated that Glen Kreiser had questioned the amount of fees paid to High Safety Consulting for inspection services relating to Code Enforcement. At the end of 2008 \$535.00 was spent on inspection fees for High Safety Consulting Services. For the year of 2009 to date \$3377.00 has been paid. Some of the cost has been recovered from the violators while the remainder is still due. Suv Brensinger said he is of the opinion that some of these costs will never be recovered.

B.) Meeting at PennDot – Scope of Study for Lebanon Rails Business Park

Suv Brensinger told the public he and representatives from the LCPD had attended a meeting last week with PennDot regarding to LVEDC and the Lebanon Rails Business Park.

Scope of Study for Lebanon Rails Business Park (con't)

LVEDC has hired a Traffic Consulting Group to try to determine costs involved in building out the remainder of the Rails Business Park. This particular meeting was a scoping meeting to determine which intersections needed to be studied. This will provide a better idea of what the costs would be to finish building the park. LVEDC would like to have this information before they sell another parcel located within the Business Park. Approximately 140 acres still remains in the park which will probably be separated into 3 or 4 more parcels. Some general talk about the Business Park followed.

Respectfully Submitted,

Theresa L. George
Recording Secretary