

**MINUTES
NORTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS
AUGUST 18, 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:

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| 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. It was announced that at 7:30 PM the regular meeting will adjourn and the scheduled Public Hearing for Ordinance 2-2008 will begin.

COMMENTS FROM THE PUBLIC

A.) Richard Moore – Update on Ag Preservation

Mr. Moore was present to update the Board on the Ag Preservation Program. Information was provided to the Supervisors which contained a letter from the Chairman dated July, some statistics regarding the number of farms and acreage that has been preserved and some financial figures pertaining to local financial aid and the state amounts contributed. Mr. Moore expressed to the Board appreciation for the Twp being financially active in this program. He told the Board he had highlighted some of the information in the packet he had provided to them however there was a lot more information for them to browse at their leisure.

Some conversation followed about some of the reasons for the decline in the numbers over the last few years. A question was asked about once a farm is preserved, is the farm preserved for agriculture for the rest of time. Moore responded yes it is. Mr. Moore stated the Preservation Board holds meetings that are open to the public for anyone who wished to attend.

B.) Kay Mihalek – Sherri Drive

Mrs. Mihalek told the Board she is here tonight to discuss the possibility of making a no-burn ordinance in the Township. She stated that she and her husband are outdoors people and enjoy using their outdoor patio frequently. There are times when they are forced to go inside and close all the windows due to neighbors burning their trash. Due to the smell it is obvious these people are burning more than just paper. Mrs. Mihalek referred to some information that had been printed in a GLRA Newsletter. The GLRA indicates they are not in favor of burn containers and burning of trash. Mrs. Mihalek told the Board she does not wish to constantly call the Police Dept because she does not wish to alienate her neighbors. The one or two times they did phone the Police, the Police did respond to the call. Mrs. Mihalek said she cannot be the only resident in North Lebanon Township who finds this activity totally disagreeable. Anyone with respiratory problems must hate the fact that there are burn containers in the neighborhood. She asked the Supervisors to consider banning the burning containers in the Twp or at the very least revise some of the burning regulations.

Suv Artz commented that the Police are willing to respond to the phone calls when someone is burning so he sees no reason to ban this practice. Suv Hawkins told Mrs. Mihalek she would not want to deny residents the privilege of burning as that is what keeps the cost of their refuse removal down. Mrs. Mihalek requested again that the Board review this subject and maybe take a look at revising the burning ordinance. Suv Hawkins told Mrs. Mihalek the Board appreciates her attending and discussing this issue and she wanted her to know the Board will consider some of the things talked about.

C.) Jeffery Levensgood – Laurel Street; Streetlight Issue

Mr. Levensgood told the Board he attended in response to a letter suggesting he come to answer any questions the Board might have pertaining to the request for streetlights on Laurel Street. He explained that with the exception of 1 property owner, all other property owners had signed the petition that Levensgood had submitted. Suv Brensinger mentioned the fact that once it is decided to place streetlights the property owners will be assessed a tax. He said it is important the people know this. Levensgood and Saylor both indicated they had spoken to the neighbors about a streetlight tax being imposed when asking them to sign the original petition.

Scott Saylor, who is one of the property owners on Laurel Street, told the Board it very dark on Laurel Street. He also mentioned that in the winter time when the Twp is plowing, it is going to be very difficult to see what they are doing without the lights. Discussion about the placement of the cobra heads took place. Mgr Grumbine stated that Met Ed will attach the cobra heads to existing poles and review the monthly costs for each light, which fee would be assessed to the neighboring property owners with an annual streetlight tax.

MOTION was made and seconded to approve a cobra head streetlight on Laurel Street and to assess the appropriate tax to the property owners who live there. Unanimously carried.

D.) Susan Gill – Briar Lake; Municipal Waste Contract

Ms. Gill informed the Board she is a resident of Briar Lake. She is here this evening to discuss trash collection. Currently the community's collection is being done by an approved and licensed vendor. In doing research it has been discovered that by going township wide with one collector it would create a significant savings to the residents. Briar Lake has prepared a draft of a RFP (request for proposal) and is interested in knowing if the Township would like to join Briar Lake in getting bids for a trash collection hauler.

Suv Brensinger questioned if Briar Lake currently has one collection agency now. An error in setting up an account for Ms Gill was what brought this issue to the community's attention. Her account had been set up for an individual account. The figure for an individual account was set at \$360 per year and the remainder of Briar Lake residents is paying \$270 per year. Ms Gill stated there is a significant difference in the price. Should North Lebanon Township seek bids it could create a significant cost savings for all the residents. Her intent is not to place additional costs or paperwork aggravation on the Township but to give the taxpayers a bigger base for this type of service.

Suv Artz stated that the Twp has it set up so that the residents have their choice for haulers. He said he would look over the material that has been provided. Chm Brensinger asked if there is a specific timeline that Briar Lake has established to get this matter in place. Ms Gill said the thought is to have a new contractor by the first of the year. Chm Brensinger thanked her for her time and for bringing this issue to the attention of the Board.

****** PUBLIC HEARING ORDINANCE 2-2008 ******

7:45 PM

Chm Brensinger stated that it is now past 7:30 PM and he is turning the meeting over to Sol Fred Wolf to conduct the hearing regarding Ordinance 2-2008 addressing Obstructions in the Right-of-Way.

Sol Wolf provided the guideline he would like to follow for the Public Hearing. He mentioned the advertising that had been completed for the Hearing and the availability of the ordinance in the Township office for review by the public. Next he described all the reasons this Ordinance is being created. Both the Municipal Authority and the Township run into situations when they have to gain access to certain areas that are easements and right of ways and are restricted from the area due to the placement of structures or some type immovable object. He said many times the property owners do not know they are in violation when placing objects within the right-of-way area.

HEARING ORDINANCE 2-2008 (con't)

By adopting this ordinance, the Twp and the Municipal Authority will have the paperwork to support the action that is decided to take. Some of these obstructions would include fences, pools, sheds, driveways, shrubs, trees etc. By creating this ordinance the Township or the Municipal Authority could file with the courts to get the violation within compliance.

Sol Wolf asked that anyone who intended to speak or give testimony to raise their hand and identify themselves for the record. There were no questions from the public.

Suv Ken Artz questioned Sol Wolf about the restrictions listed in the Ordinance. He felt it seemed a little too restrictive. Sol Wolf explained that there are situations that do not allow for a lot of time to seek permission from property owners. In some situations the property owner is not even available to consult with. There is a clause, within the ordinance, that allows the Twp or the Municipal Authority to exempt certain issues or items by adopting a Resolution. After hearing Sol Wolf explain, Suv Artz said he understood.

Suv Hawkins stated she was a little confused. The language in the ordinance about the Twp confused her. She thought this ordinance was for the sewer authority. Sol Wolf said the original request started with the Municipal Authority. Suv Brensinger explained there are times when the obstructions prohibit the road crew from performing some of their tasks also. If there are situations that need to be exempted, the ordinance allows the Board some flexibility to do so.

Suv Brensinger questioned the existing structures that are in place currently. Will this ordinance mean everything must be immediately rectified? Sol Wolf said anything that is in place now will not be acted on unless a situation occurs that demands it be corrected. The ordinance then gives the authority to take action on the situation and enforcement if it is needed.

The public had no questions about Ordinance 2-2008. Sol Wolf told the Supervisors that Ordinance 2-2008 is before them to take action on. The Supervisors briefly discussed their opinions and were in agreement.

MOTION was made and seconded to adopt Ordinance 2-2008 pertaining to obstructions in the right-of-way. Unanimously carried.

The Public Hearing portion of the meeting was ended and the regularly scheduled Board of Supervisors meeting resumed at this time.

COMMENTS FROM THE PUBLIC (con't)**E.) Bruce Sattazahn – On-lot System Program conducted by LCPD**

Mr. Sattazahn told the Board he continues to have concerns about the way Lebanon County Planning is conducting the on-lot system program. His complaint is that he is the owner of multiple properties serviced by on lot systems. The letter or notice that is sent to the owner does not identify anywhere on the notice which property the notice is referencing. He said he understands the computer software would have to be revised to accomplish what he is requesting. However he does not understand why it would be so difficult.

Some conversation followed about the program and the software used to create the notice to the property owners. Mgr Grumbine added that Bruce's complaint is the only one LCPD has received.

Sattazahn said he had one more question about the green waste program for the Twp. Must you live in the Twp or is it that if you own property in the Twp you can be a member? He was told as long as you own property in the Twp and the green waste comes from the Twp property.

APPROVAL OF MINUTES

MOTION was made and seconded to approve the minutes from July 21, 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.

CHIEF OF POLICE REPORT - Harold Easter**A.) Appointment of Detective – David Lauver**

Chf Easter addressed the Board describing the cooperation the department has received in the past year from Officer Dave Lauver in his duties as an Investigator. Chf Easter stated that Dave has completed all tasks asked of him and has gone over and above what was asked of him. He told the Supervisors his recommendation is to offer the rank of Detective to Officer Dave Lauver because he is deserving of the title. Chf Easter asked Dave Lauver, his wife and family to step forward for Dave's recognition. A Detective badge was presented, pictures were taken and congratulations were offered to Detective Lauver.

B.) Calls for Service – July 2008

Chf Easter updated the Board on the calls for service from the month of July. A total of 279 calls were logged in the month of July with Thursday being noted as the highest day for calls. Suv Brensinger questioned the traffic contacts. The number seems to keep increasing. He said he is hopeful the newspaper will get the word out to the public that we will be enforcing the traffic laws. Chf Easter stated speeding, especially in the school areas, will be monitored and enforced.

C.) National Night Out – Chf Easter reported the NNO event was well attended and he extended his thanks to the secretarial staff in the Police Dept as they do most of the legwork for this event. Thanks to Cathy Krick, in particular, as she coordinated the majority of the activities. He said they are looking forward to a success for next year already.

D.) EOP Update

Chf Easter told the Board there is no new information on the Emergency Operations Manual.

E.) Brandt Pflueger – Chf Easter reported that that "Battle For Brandt" event which was held on Tuesday, Aug 12 was a huge success. On behalf of the Pflueger family thanks to everyone who had a hand in the event as well as those who attended the event.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine**A.) Complaint on Valspar Trucks using N 25th Street for Access**

Ed Brensinger and Mgr Grumbine met with Cliff, the plant manager at Valspar, regarding truck traffic problems along Tunnel Hill Road and N 25th Street. It was decided the cost of 2 directional signs would be forwarded to Cliff to review with Valspar for expense approval. The Twp would complete the installation of the signs; one at Old Ebenezer Rd and Tunnel Hill Rd and the other sign at N 22nd Street where truck traffic going north on Rte 72 would see the sign when making the turn onto N 22nd St. It is hoped this will take care of some of the confusion for the truck drivers. Mgr Grumbine said the addition of "Always Bagels" in the business park next month will add more truck traffic. She is suggesting we consider asking the business park to think about posting a sign listing all the companies located within this business park. Up until now Valspar has been the lone tenant with considerable truck traffic.

Suv Brensinger mentioned one of the property owners who lives on the corner stated that the since the street sign noting 25th St was knocked down several weeks ago; the truck traffic has been considerably less. Some conversation took place about some of the truck drivers and the reason for their confusion. Bruce Sattazahn, who works at the corner of 22nd Street and Rte 72, told the Board he has the opportunity to see how some of the truckers react at this intersection. Some of the trucks will negotiate the intersection and then stop and turn their flashers on. They exit the vehicle and walk to another motorist to ask for directions, while blocking the intersection with their large trucks. Sattazahn stated this is just one scenario. He said this is just one of the situations he has witnessed. The Supervisors agreed the signs will hopefully take care of the problem.

B.) CVS Store Update

During the June Supervisors meeting Attorney Stacey Morgan was present to discuss the new Lebanon CP-CVS project. An agreement had been discussed regarding additional right-of-way required by PADOT to complete improvements. All improvements are to be at the expense of CVS. Upon completion all areas are to be dedicated to the respective municipalities for maintenance and operating costs of the traffic signal. The Board expressed concern about the language in the agreement as currently Boscov's is responsible for all maintenance and operating expenses of the traffic light. Attorney Morgan agreed to revise the current agreement to include verbiage that indicates Boscov's part in the maintenance and operating expenses. Mgr Grumbine contacted Attorney Morgan for an update on this issue as we had not heard back from her. Ms Morgan reported there have been some new regulations imposed by PADOT in connection with handicapped ramps and improvements. Portions of the improvement had to be redesigned and she is waiting on final word from Boscov's for the revisions to the R-O-W agreement. She indicated she is hopeful to be in contact within the next week.

The Board members mentioned reading in the paper about Boscov's filing bankruptcy. Mgr Grumbine felt that West Lebanon Twp would be responsible for the traffic signal should Boscov's eventually leave the area. West Lebanon was the one who signed the agreement with Boscov's for the traffic signal. This newest development with Boscov's might delay completion of this intersection even longer.

C.) Set New Mileage rate in accordance with IRS

Mgr Grumbine is asking the Board to consider revising the wording in the rate schedule of mileage reimbursement for employees who use their own personal vehicles for Twp business. She is suggesting the wording be modified to "The current rate as set by the IRS" to establish our rate to eliminate the need to continuously change in order to keep current.

MOTION was made and seconded to revise the wording to reflect "the current rate set by the IRS" for mileage reimbursement to Twp employees who use their personal vehicles. Unanimously carried.

D.) Grant Applications to LCPD/ Lebanon County Commissioners

Following the adoption of the Lebanon County Comprehensive Plan the Twp has the opportunity to apply for Grant funding in certain pre-determined categories. On behalf of the Twp and the Municipal Authority, we have submitted 2 grant applications. The first application is in the amount of \$25,000 towards the Phase I Lenni Lenape Park. This is the maximum amount allowed by category of the grant. The second application is in the amount of \$50,000 which is the maximum allowed by this category of the grant. This application is for the Municipal Authority's portion of a public sewer extension with the LVEDC in the area of Windsor and Hanford Drive and will allow for the elimination of the pump station along Hillside Drive. This information is a follow up to the phone conversations Mgr Grumbine had previously with each of the Supervisors.

E.) Safety Committee Update

A summary of activities of the Safety Committee has been provided to the Board. Some of the items listed have been completed and some are items being discussed and reviewed by the Committee. The approval of a Grant and the purchase of an AED unit was one of the items completed. Tom Camasta, because of his association with Hebron Fire Co, is conducting training for the employees. Some members of the Road Dept have not received training as of yet due to vacations being scheduled.

F.) Joining Municibid for Bidding of Pressure Washer

The Township Code spells out regulations for the selling of unwanted equipment and items. Due to the time and expense the current procedures take, Mgr Grumbine is asking the Board to consider joining a municipal auction website known as "Municibid" created for this situation. As the Twp has been trying to sell an old unwanted pressure washer and has been unsuccessful when offering to other municipalities, Mgr Grumbine explained this website auction would be a good avenue to sell unwanted items. Information about the Municibid website had been provided to the Board for their review.

Joining Municibid (con't)

Suv Brensinger questioned if the membership time runs calendar year or anniversary date. Mgr Grumbine stated she is not sure and will have to check on it before she can give him an answer. He said he thinks this is an option to explore due to the expense of advertising items to get rid of them. Another plus would be to not have this unused surplus equipment sitting around. There is also the opportunity for the Fire Companies to get a free membership.

MOTION was made and seconded to enter into an agreement with Municibid for the selling of unwanted equipment. Unanimously carried.

G.) Warranty Extension – Voice Mail System

Information regarding the warranty on the voice mail system used by all the departments in the Township has been received. Any damage pertaining to fire, flooding, lightning or misuse is exempt from the warranty. The cost for one year is \$650. Mgr Grumbine is asking the Board for direction on whether to extend the warranty or pay as needed should anything happen to the system. Some discussion was held about the exclusion items. Suv Brensinger questioned if there have been any situations with the voicemail system. Mgr Grumbine replied not to date. The problems she could foresee are all items excluded from the warranty. Following more discussion the Board agreed that the warranty should not be extended.

H.) Regional Planning for CLSD

Bob Sentz, Assistant Director for the Lebanon County Planning Department, is trying to schedule a “kick-off” gathering to discuss regional issues and regional planning. It is suggested one Supervisor, one PC member and Manager attend these meetings. Mgr Grumbine is asking that the Board appoint a member to attend these meetings with a PC member and herself. The Planning Commission will be asked to determine a member of the PC at their September meeting. Suv Hawkins asked if this is for one meeting or would there be several meetings. Mgr Grumbine responded this request is to schedule the first meeting and then subsequent meetings will be scheduled according to everyone’s availability. We have placed our Comp Plan on hold until County accomplished theirs plan and it has now been adopted. The Board members briefly discussed their interest and decided Dawn would be the Board’s representative. Suv Artz and Brensinger agreed that if Dawn is not able to attend a few of the meetings; one of them would act as an alternate.

MOTION was made and seconded to appoint Dawn Hawkins as a representative from the Supervisors to attend the Regional Planning sessions, along with Mgr Grumbine, scheduled by LCPD. Unanimously carried.

I.) Pertinent Matters

1. Complaints on roadside vegetation along Heilmandale Rd have been received in the office recently. Scott Tanguay was contacted to inform him of the complaints. He explained PADOT has revised their summer mowing schedule and by cutting one cycle out. They now mow only two cycles a year. . He indicated that any future complaints should be directed to the Lebanon County office at 272-6637. Mgr Grumbine said that PADOT has agreed to review these complaints and decide whether a different solution might be used to correct the situation.

2. EIT – Agenda for August meeting and Minutes from July Meetings from the Executive Committee have been provided to the Supervisors. During the August meeting of the EIT, Keystone will be attending to answer any questions. The Executive Committee is continuing their work on the contract between the municipalities, the school districts and Keystone for the EIT collections.

3. An update on the Spring Creek Development since a letter was mailed by Sol Wolf and the County denying the plan is that Sol Wolf was contacted by one of the owners of the property to say they are going to take the issue to court. The owners feel they were in compliance with everything they were asked to provide to the Township. Sol Wolf advised him to submit the missing items to the Twp; the items being the stormwater management agreements and the Home Owners Association documents as soon as possible.

4. Invitations to the GLRA Annual Picnic were extended to the Board members and their families. The picnic is to be held Wednesday September 3rd at 6:30pm. The regular meeting starts at 6pm. All 3 Supervisors confirmed they would be attending; Suv Artz – 2; Suv Brensinger -3; and Suv Hawkins -2. The response will be communicated to the GLRA.

5. Filing of the NPDES Permit pertaining to Harold Kreider has been completed by Harbor Engineering. They have applied for all applicable permits with DEP. Mgr Grumbine explained it is not unusual to receive the NPDES permit before the submission of the Land Development Plan. Mgr Grumbine reminded the Supervisors the video tape of the truck demo was received and is available for them to view.

6. Corporate Regain has sent the annual renewal for participation in their program which is how we conduct the CDL testing for our departments. Mgr Grumbine is asking the Board to approve the agreement and the annual fee of \$50.

MOTION was made and seconded to approve the annual agreement and fee for the Corporate Regain memberships. Unanimously carried.

SOLICITORS REPORT - Frederick S. Wolf

A.) N 11th Avenue RR Crossing

This issue is still on hold in the Commonwealth Court. The court is scheduled to hear arguments in September and then there will be a 3-6 month period until we hear a decision.

B.) Progress of North/South Lebanon Fireman's Relief Assoc Split

Sol Wolf said there has not been much change with this issue. All financial matters from the 2007 for all Fire Companies involved must be cleared before an audit can be scheduled.

C.) Conditional Use Written Decision – The Crossings @ Sweet Briar

Sol Wolf had provided the Supervisors with a written decision from the Public Hearing held last month on the request from Landmark Builders. The request was for Conditional Use for the Nine-Forty One Farm located on Mt Zion Road. The Supervisors are being asked to sign the decision tonight so that a copy can be mailed to the applicant and a copy will be on file at the Twp office.

D.) Motion to Participate on EIT Collection & Confirm Executive Comm Direction to Keystone

Sol Wolf reviewed some of the latest details pertaining to EIT and the Executive Committee with regards to contracting with Keystone to performing the tax invoicing and collection. Some of the municipalities have decided to either wait it out or decline going this direction. At this point the Board of Supervisors is being asked to give a direction to the Executive Committee representative on whether or not to vote to go with Keystone for collection services.

MOTION was made and seconded to authorize entering into a contract with the Earned Income Tax Bureau and Keystone for collection of the Earned Income Taxes for a three (3) year term beginning in 2009, conditional upon the following:

- A. The form and content of the Contract shall be approved by the Solicitor; and
- B. The charge shall be 1.4% of revenues collected; and
- C. The reports and payments shall be made directly to North Lebanon Township, with no deductions except for the 1.4%; and
- D. No additional charges for this service shall be imposed by EIT to North Lebanon Township.

The Chairman and Secretary are hereby authorized and directed to execute the Contract when approved by the Solicitor. Unanimously carried.

E.) Agreement with Lebanon County Treasurer Office for 2009 Real Estate & Street Light Taxes

Sol Wolf explained that Mgr Grumbine has visited and discussed with the Lebanon County Treasurer's office taking over the invoicing of Real Estate and Street Light Tax and the collection for North Lebanon Township. Mgr Grumbine observed the procedures used. Lebanon County Treasurer's office has been doing the City of Lebanon for the past year. Some discussion took place about deciding on this issue. The communication of the decision to the County Treasurer's should be as soon as possible.

F.) Code Enforcement Issues – Quarterly Report from Off Wengert

Sol Wolf informed the Board he has been meeting with Officer Donald Wengert to try to get some of the outstanding inspection fees paid for Code Enforcement activities. It had been decided Officer Wengert would start providing a quarterly report to the Supervisors in order to keep them informed and up to date with the Code Enforcement that is being conducted. Also listed would be issues that are outstanding. The first report is due in September.

COMMENTS FROM BOARD MEMBERS

There were no further comments from the Board tonight.

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

Respectfully Submitted,

Theresa L. George
Recording Secretary