

**MINUTES
NORTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS
SEPTEMBER 21, 2009**

The regularly scheduled meeting of the North Lebanon Township Board of Supervisors was held at 7:00 PM at the Municipal Building located at 725 Kimmerlings Road, Lebanon, PA with the following people present:

Edward A. Brensinger	Chairman
Kenneth C. Artz	Vice – Chairman
Dawn M. Hawkins	Treasurer
Cheri F. Grumbine	Township Manager
Frederick S. Wolf	Henry & Beaver LLP

Absent: Harold L. Easter Chief of Police

Also in attendance was Brad Habecker of the Lebanon Daily News and several other individuals. The meeting was called to order and the pledge to the flag was done.

COMMENTS FROM THE PUBLIC

A.) Bob Hoffman – Removal of Pumping Station on 33rd Street

Mr. Hoffman questioned Suv Brensinger about the use of Windsor Drive during the pumping station removal process. He is disturbed by the fact the contractor, LB Marks, was given permission to use Windsor Drive to run the trucks on. Suv Brensinger replied the Board did indeed give permission to the Municipal Authority to allow Marks the use of the Windsor Drive during this project. The construction of Windsor Drive will support the tri-axle traffic. The road would not support the repeated use of semi and tractor trailers, which is what Valspar relies on for transportation of supplies. The turning movements from Tunnel Hill Road also created a problem for the tractor trailers. Suv Brensinger agreed with Hoffman Windsor Drive is posted against truck traffic. However he feels the Board has the right to make an exception for use of the road if it is not detrimental to the condition of the road.

B.) Glen Kreiser – Issue with E Lehman Street Property

Mr. Kreiser asked if there had been any action on his question during the last meeting about a property located on E Lehman St. He reported the owner is selling vehicles from this location which is residential. Chm Brensinger stated that the Chief was going to look into this to determine if it was a zoning issue. Any zoning issue is handled by Lebanon County Planning. Kreiser asked if there could be something done this month and reported at the next meeting. The Board agreed to ask Chf Easter about this situation.

C.) Donna Stahley – Alleyway at N 11th Avenue & E Lehman Street

Ms Stahley reminded the Board that several years ago the Township had delivered some road debris, which had been swept off the streets and stockpiled, to this alleyway in an attempt to fill in some of the huge potholes. It has been a few years and the alleyway is heavily traveled by the property owners in the area. Stahley said her concern with this issue is the kids in the neighborhood have now started using this alleyway for a bike/skateboard park. Because the ruts in the alley are now so large, the kids are ramping their bikes/ skateboards and using it as a course.

Alleyway at N 11th Avenue & E Lehman Street (con't)

When vehicles try to use the alleyway the kids are obnoxious to the motorists. She is asking for the Twp to provide some for the road debris to be used again in this alleyway.

Suv Brensinger explained the Twp is not responsible for these alleyways that are located throughout the Twp. He went on to tell her that the property owners are responsible for keeping the condition of the alleyway drivable. Brensinger then told Ms Stahley that the same thing will happen again in a few years. She replied she is aware of that. Her concern is that someone will get hurt with these kids hanging around the alley and near the streets. Stahley told the Board she will personally shovel the materials around and smooth out the surface if the Twp would provide some of the used materials. Suv Hawkins asked if this is an area that the Twp could shut down or close off. Chm Brensinger replied he did not think this would be an option as there are so many property owners who actually use this alley for access to their garages located in the alleyway. After some more discussion Chm Brensinger agreed to look at the area and provide her with some used road materials. He told her if she is ambitious enough to want to shovel this material onto her own truck he will see to it he shows her the stockpiled area of used road materials. Ms Stahley agreed this is acceptable to her.

APPROVAL OF MINUTES

MOTION was made and seconded to approve the minutes from August 17, 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 – August**

Brian Vragovich gave the Supervisors a report on all the activities from the 4 volunteer Fire Companies for the month of August. There was a total of 38 responses and a total of 419 ¾ hours of man time. He also outlined the number of times certain pieces of equipment were used throughout August.

B.) Knox Box Update

Brian reported they are still working on getting all the paperwork involved with the proposed Knox Box procedure accomplished. The forms, passwords and other necessary paperwork are being completed.

Chm Brensinger questioned if the Fire Chiefs in Lebanon County are looking at Knox Box policies as a County project. He had read Bethel was looking in to the Knox Box policies. Brian replied, no, not that he is aware of. He has heard Bethel is trying to get down to a one key policy rather than having a ring full of keys.

C.) North Lebanon Fireman's Relief

Vragovich said there is nothing new to report. They are still reviewing options for money investments. The struggle is that they must invest in a venture where no principle will be lost. They are hopeful that by the November meeting a plan will be in place.

CHIEF OF POLICE REPORT – (Read by Chm Brensinger)**A.) Trick or Treat Night – Recommendation from County Chiefs – Oct 29th 6-8 PM**

Chm Brensinger explained Chf Easter if involved with the situation that had occurred in Ebenezer earlier today and is absent. The Chf did ask that the Board act on the Trick or Treat recommendation from the County Chiefs. They are recommending Thursday, October 29th between the hours of 6-8 pm.

MOTION was made and seconded to approve the date of Thursday, October 29th as Trick or Treat night between the hours of 6-8 pm. Motion was unanimously carried.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine**A.) Tenaska – Meeting with Swatara Watershed – Sept 3**

On September 3, Ass't Mgr Wartluft and Mgr Grumbine attended the Swatara Watershed Association meeting held in the County Commissioners meeting room. Mr. Culver representing Tenaska was present to answer some 20 questions the Association had previously submitted to him. He also answered any new questions from those in attendance.

A copy of the written questions and responses was received and had been provided to the Board for review. Martin Barondick questioned why there were no Supervisors at that particular meeting regarding Tenaska. He told the Board he thinks this decision that will need to be made is probably one of the biggest decisions ever made by the Supervisors, whichever municipality it turns out to be. There are billions of dollars being discussed here and he would think the Supervisors would be present whenever anything about Tenaska is being discussed.

Suv Brensinger stated that is why the Twp has a Manager and Ass't Manager. The Board relies on them to keep the Board informed. Jo Ellen Litz had provided the list of questions prior to the meeting so the Board knew the subject content of the meeting. Barondick replied he can understand that theory on a lot of issues. However this is one issue that will require a decision and the Manager and Ass't Mgr do not make the decisions. They handle paperwork and pay the bills. It is his opinion that an issue as important as this issue, at least one of the Supervisors should be in attendance.

B.) FYI - GLRA Permit Renewal Notification

The Township has received a copy of the GLRA Permit Renewal application for its Solid Waste Disposal Permit with DEP. The permit was originally issued on October 10, 1990, renewed effective August 21, 2000, and is due to expire on August 21, 2010. The application states, "No changes to the current operating permit are included in this permit renewal action". Notification letters were mailed to the area residents, as well as notices advertised in the Lebanon Daily News on July 26, 27, and 28. The application is available at the township office for review.

C.) CLSD Task Force/Steering Committee; Multi-Municipal Comp Plan Update

As a result of the August 31st Task Force meeting, we have distributed a copy of the proposed Agreement between participating municipalities and a proposed RFP outlining the requirements of the professional planner. The Steering Committee will next meet on October 21 to review any comments they received from their respective Board and Council members. At that time the documents will be finalized and a decision will be made on hiring an attorney. The group agreed to ask Attorney Keith Kilgore if he was interested in serving as legal counsel for this project and if so to provide us with an hourly rate.

CLSD Task Force/Steering Committee (con't)

Attorney Kilgore has agreed to work with the committee at a rate of \$160/hour plus expenses. Mgr Grumbine will need direction from the Board regarding the Agreement, the RFP, and legal counsel.

Suv Hawkins questioned which group recommended Attorney Kilgore. Mgr Grumbine replied it was the steering group who discussed this and made the recommendation. Suv Hawkins stated she has been present at many of the meetings so she does not have any questions.

Chm Brensinger asked if Attorney Kilgore will be hired to be legal council on this issue only. Mgr Grumbine confirmed yes, the RFP and the agreements only. The Managers are trying to coordinate as much as possible in order to cut down on the costs. He then asked if all the municipalities and the school district will be voting on this issue. Mgr Grumbine replied the municipalities will however the school district is not involved yet. The school district will become involved after it is known that the municipalities involved are ready to go to the next step. There should be at least 2 or 3 municipalities in favor of moving on. It is hoped all the municipalities within Cornwall-Lebanon School District will be on board. Suv Hawkins asked if anything has been heard from Mt Gretna. She was told, no. However the individual had been out due to a lengthy illness. Suv Hawkins told her fellow Board members she feels it looks promising that all the municipalities will be on board with this issue.

Chm Brensinger said he is going on the recommendation from the steering committee and he sees no reason not to go along with what they recommending. Suv Artz said he agrees with Ed's comments. Mgr Grumbine asked if there were any questions/comments about the contents of the RFP or the agreement documents. There were none.

MOTION was made and seconded to accept the recommendation from the steering committee on legal council, the RFP and the agreements provided by the Steering Committee regarding the multi-municipal comprehensive plan updates. Motion was unanimously carried.

D.) City of Lebanon Authority

Jon Beers held a meeting with municipal representatives to discuss water and sewer issues. A copy of the outline has been provided to the Board. One of the offers made is exploring the option of bidding services that could be piggybacked by other municipalities. Some of the items suggested would be stone, asphalt, diesel, and paving. Mgr Grumbine stated this is something to keep in mind for the future. The Board asked if there had been any talk about price increases during this meeting. Mgr Grumbine replied that the information on page 2 indicated an increase for water consumption is not likely for the year 2010. However for sewer treatment a 20% increase is projected. There is an expected increase of 20% for the next three years after 2010. The Board discussed the next 3-4 years equaling an 80% increase for sewer treatment.

E.) ZHB Training – Sept 30, 2009

North Lebanon Township is hosting a training workshop on September 30, 2009 from 6:30-9:30 pm covering "Duties of the Zoning Hearing Board". We are encouraging Zoning Hearing Board members, Planning Commission members and elected officials from Lebanon County to attend this workshop. Mgr Grumbine encouraged the Board members to attend. All 3 Supervisors stated they are available to attend this training. Martin Barondick questioned if this training is open to the public. He was told, no, it is for Zoning Hearing Board and other appointed members.

F.) Lebanon County Convention of Township Officials

The Lebanon County Convention of Township Officials will be held on Thursday, October 15th, from 7:30-3:00 at the Quality Inn in Lebanon. All elected officials in Lebanon County have been invited to take part in this informative convention. There is no registration fee and lunch is provided free for all attendees, as the cost is covered by the advertisements from the various vendors in the convention booklet. The special early afternoon presentation will address regional comprehensive planning. The Planning Commission members have been invited to attend the afternoon workshop, as it relates to our current multi-municipal comprehensive plan project.

G.) Act 32 Meeting

A meeting of all delegates/alternates of the Lebanon Tax Collection District took place on Wednesday, September 16th at the Lebanon City/County Municipal Building. The purpose of the meeting was to provide an over-view of Act 32 and the responsibility of each municipality and school district and the time parameters placed on each of us for compliance by January 1, 2012.

The next meeting will be held on Wednesday, October 21 at 7:00 PM (follows EIT Exec Committee meeting at 6:30) at the Lebanon City/County Municipal Building. A review of the by-laws will be completed and confirmation that all municipalities are in agreement that the Executive Committee setup is accepted by everyone. Mgr Grumbine confirmed these meetings are open to the public. Chm Brensinger asked if all the municipalities are in agreement with the Executive Committee structure, which would mean compliance with Act 32. Sol Wolf replied yes and we will then work toward having one collector such as we have done with Keystone Collections. Barondick asked if Lebanon City is the only municipality that does not have a representative on this committee. Mgr Grumbine confirmed this to be true and when asked told Barondick he would have to ask them why. Sol Wolf said his opinion is that Lebanon does not wish to have representative on the EIT Board until the over/under issue is resolved.

H.) Plan Updates

As an update to our residents and Board, there are two plans anticipated to be before the Planning Commission possibly as early as their October meeting. They are:

The Crossings – The former Ed Arnold farm, which was originally submitted to the Township on October 3, 2007. Their engineer is wrapping up final comments from their August 2009 revised plans with the intentions of completion in October. Solicitor Wolf and Mgr Grumbine are waiting for the legal documents regarding the Homeowner's Association to be submitted, which may delay this plan for October. Sol Wolf informed Mgr Grumbine he has received the documents today and will need to review them

Harold Kreider Land Development Plan – This plan was submitted a second time (first submission denied) on August 22, 2008. It is Mgr Grumbine understanding that the only outstanding item is the traffic agreement. We continue to wait for exhibits to be included with the agreement from their engineer. Upon receipt of these exhibits this plan will be ready for a recommendation from our Planning Commission. Both Rick Bolt, County Engineer, and Kris Troup, LCPD Planner will attend the Planning Commission and Board meeting to discuss this plan with the Board when it is up for review.

Harold Kreider Land Development Plan (con't)

Chm Brensinger questioned Mgr Grumbine if there has been any word on Earl Meyer's replacement. She replied, no she has not. She stated that the official ending date for Earl is October 30th or 31st. Everyone was in agreement it will be difficult to find a replacement for Earl Meyer.

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

Documents were drafted for the Recorder of Deeds office pertaining to the properties that have already been conveyed without the screen planting provisions being listed on the deeds at the time of transfer of ownership. In order to ensure future transfers get this required information the documents will be recorded at the Recorder of Deeds office. Once this document is recorded it will eliminate the hassle of checking every deed that transfers and any future transfers involving these particular properties. It is expected to be completed this week.

B.) N 11th Avenue RR Crossing

North Lebanon Twp has notified the PUC that we are no longer withholding approval of the construction. Also included in the notification to the PUC was the request for clarification of the administrative law judge's decision concerning the City's and the Township's shared financial responsibility for future maintenance. In the Judge's decision was mentioned the \$2,000 - \$4,000 financial responsibility per year. A response on the clarification has not been returned as of yet.

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

Sol Wolf reported he has received the revised documents and will be reviewing with Mgr Grumbine. Once their review is completed the information will be shared with the Board.

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

The truck traffic agreement will be processed along with the Land Development Plan for the Kreiders. A checklist of the other requirements which will have to be met, as part of the plan, referring to zoning issues is being prepared to provide to LCPD before any permits are released. Sol Wolf told the Board they should be receiving this information this week yet.

Bob Hoffman questioned what is going to be in the traffic agreement that will allow the Twp to monitor that the proper equipment is being used for the deliveries. Sol Wolf said the required type of equipment will be listed in the agreement as well as the enforcement and the penalties. He told Hoffman to attend the Planning Commission meeting to add his input.

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

At this point in time 2 of the 7 municipalities have decided to hire the special attorney. A response from the other 5 municipalities is expected.

F.) Code Enforcement memo dated August 28, 2009

Sol Wolf reported on the 2 suits that are pending.

1. One property had been inspected prior to last month's meeting indicated a large expense to the owner in order to come into compliance. The primary factor being contaminated material which could possibly be required to be removed and exposed by an expert. After an examination by the GLRA, it was decided that the disposal items could be taken to the GLRA for disposal.

Code Enforcement memo (con't)

Sol Wolf followed up with the property owner and has learned that a person has been hired for removal and disposing of the materials.

2. Another suit has resulted in a 90-day period being given to complete the cleanup of the property. The time period is almost half elapsed. The owner has been provided with a checklist of what needs to be completed.

Sol Wolf discussed some of the problems the Twp is having collecting some of the inspection fees that are due. There are many situations that have been inspected and dealt with. Some of the issues involve tenants, which cause difficulties in collection of the inspection fees. It is being discussed that anytime a tenant calls and asks for an inspection, the fee shall be paid before the inspection is completed. Some of these situations have created a real problem for Bonnie and Cheri to track the payments. There are various options being looked at to try to resolve some of these problems with collection procedures. He told the Board that although these situations create problems, he feels the code enforcement/inspection process has been positive for the Twp.

Suv Brensinger stated he agrees that these problem situations must be corrected and remedied. He expressed concern for the property owners who are forced to live beside or in the same neighborhood as some of the problem properties. It would be a burden to those who care about the appearance and condition of their own properties and then live beside someone who does not share the same pride.

COMMENTS FROM BOARD MEMBERS**A.) Suv Dawn Hawkins**

Suv Hawkins reminded the public that next month, October, the Board of Supervisors will return to 2 meetings a month.

B.) Suv Ken Artz – Attendance at NATAT

Suv Artz had attended NATAT in Washington where he had the opportunity to meet with other municipalities and some of the representatives. One of the main topics was HR Bill 3007 which deals with Federal funding for Local government again. Several years ago this was in place. It disappeared and there are efforts being made in the House to bring it back. Materials were provided to Suv Artz to share when meeting with the Congressman to share this concern. Suv Brensinger asked if he had met with Congressman Holden. Suv Artz stated he did have the opportunity.

Respectfully Submitted,

Theresa L. George
Recording Secretary