

**MINUTES
NORTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS
OCTOBER 20, 2008**

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

Edward A. Brensinger	Chairman
Kenneth C. Artz	Vice-Chairman
Dawn M. Hawkins	Treasurer
Cheri F. Grumbine	Township Manager
Harold L. Easter	Chief of Police
Marc Hess	Henry & Beaver LLP

Also in attendance was Kathy Hackleman of the Lebanon Daily News, Rodger Sands of the Patriot News and many other individuals. The meeting was called to order and the pledge to the flag was done.

COMMENTS FROM THE PUBLIC

A.) Plaque Presentation – Honorary Fire Police; Warren L. Sholly

In the process of combining the four township fire company fire police members into one unit, Chf Easter was made aware of the fact that Warren L. Sholly has served in the capacity of fire police for over 52 years. The other members felt strongly they did not wish to drop his name from the roster. It was decided to make Warren Sholly an honorary fire police and present him with a plaque recognizing his years of volunteer service to North Lebanon Twp. Chm Brensinger presented Warren with his plaque and remarked on his appreciation to Warren for his years of dedication. Suv Artz and Suv Hawkins agreed with Chm Brensinger's remarks and offered their appreciation also.

A representative from Rose Marie Swanger's office was present to offer a citation to Warren recognizing his years of service and commitment to the Twp of North Lebanon Twp. The citation was read out loud and the public expressed their appreciation to Warren Sholly.

B.) Swearing in of Fire Police; Chief, Captain and Lieutenants

Chf Easter has requested the Supervisors conduct the swearing in of the officers for the Fire Police unit. Dennis Copenhaver was sworn in as the Chief, Richard Bare, Jr, Ricky E. Mease and Edward Minford were sworn in as Lieutenants. All officers repeated the Oath of Office and were commended by the Board. The recommended Captain was not in attendance.

Chp Brensinger stated, on behalf of the Board of Supervisors, appreciation to all the Fire Police who volunteer and willingly give of their time, in all types of weather when responding to these emergency situations. All too often the opportunity to thank these individuals passes and he wanted them to know how much the Twp does appreciate their services.

C.) Always Bagels Land Development Plan – Lebanon Rails Business Park; Hanford Drive

1. Stormwater Easement Agreement

2. Approval Condition on Payment of Legal Fees

The plan for Joseph John Pennsylvania Realty, LLC proposes land development along the south side of Hanford Drive, east of Windsor Drive. This plan pertains to Lot #3 of the Lebanon Rails Business Park. Driveway access points are located onto Hanford Drive along with loading/unloading facilities, storm water management facilities and the associated improvements.

Always Bagels Land Development Plan (con't)

A conversation with Josh Weaber, of Steckbeck Engineering, regarding the type of inlet requested was held. He informed the Board the revisions that County Engineer Rick Bolt requested have been completed. Attorney Marc Hess asked if the sewer right-of-way agreement issue had been resolved with LVEDC. Mgr Grumbine replied she had received a copy of the agreement and a letter from Attorney Lundberg, who is the LVEDC's attorney. The letter indicated the agreement will be signed and recorded simultaneously with the deed and plans. Mgr Grumbine stated the signed stormwater management agreement, which was prepared by Sol Wolf, was received also. She asked that the Board take action on the signed agreement along with the plans. Lebanon County Planning and the NLT Planning Commission are both recommending approval of the plan and the agreements conditional on all outstanding legal fees being paid.

MOTION was made and seconded to approve the Joseph John Pennsylvania Realty land Development Plan, along with the stormwater management agreement conditional on all outstanding legal invoices being paid. Unanimously carried.

D.) Bruce Sattazahn – Weavertown Road

Mr. Sattazahn asked for clarification on the public and the use of the walking trails located in the Briar Lake community. He said it was his understanding that the reason financial relief from Park & Rec fees was given was due to providing some recreational walking paths. Recently he was told the community is private and the public is not welcome. Mgr Grumbine explained there was some relief given however it was only 20% or 30%; she did not remember the exact amount. The trade off was because the walking trails were provided as recreation for the people who lived in the community. It is a private community and as such does not have to allow public use of the paths which was confirmed with Sol Wolf. When the question of posting the community was brought up Mgr Grumbine replied Chf Easter has already discussed the issue of posting the community with someone at Briar Lake.

APPROVAL OF MINUTES

MOTION was made and seconded to approve the minutes from October 6, 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.

Chf Easter informed the Board the Police Chaplain is recovering from surgery and is not present this evening.

CHIEF OF POLICE REPORT - Harold Easter**A.) Calls for Service – September 2008**

The total calls for service in the month of September were 286. Chf Easter mentioned a few of the types of calls received and the total amount of miles logged on the vehicles.

B.) EOP Update

There was no update for the Emergency Operation Plan.

C.) Appointment of Bradley Pflueger – Township Fire Marshal

Chf Easter requested that the Board appoint Officer Bradley Pflueger as Township Fire Marshal. Officer Pflueger has been attending training to achieve this title and has now completed all requirements. Chf Easter is asking the Board to make this appointment.

A question was asked about what the duties of a Fire Marshall are. The Fire Marshall investigates suspicious fires and determines the cause. In the event of a fatality the State Fire Marshal is called in to the case.

Appointment of Bradley Pflueger (con't)

MOTION was made and seconded to appoint Officer Bradley Pflueger as Township Fire Marshal. Unanimously carried.

Martin Barondick of New Street questioned Chf Easter about the speed limit posting on Water Street near Rockwood. He mentioned the downhill grade and the difficulty in maintaining the 25 MPH speed limit. Chf Easter told Barondick it has been posted at 25 MPH for many years now. Mgr Grumbine explained a traffic study had been completed about 10 years ago and the speed had been reduced to 25 MPH at that time.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine**A.) Survey – Open Burning Regulations for NLT**

A draft of a survey regarding open burning was provided to the Board during the October 6th meeting. The survey will be placed in the January newsletter scheduled to be distributed the first week in January. A phone call was received from a resident offering a suggestion pertaining to an option for open burning. The Supervisors agreed this was something the residents could list on the survey as there is a comment section for the public's remarks. The survey is designed as a check off type response. Residents are able to check off yes or no to the options and then an area for additional comments is provided.

Discussion was held on some of the options listed on the survey. Suv Artz asked what time period we are thinking of for a response period. It was agreed that that a 30-day time period would be ample time for responses. Mgr Grumbine told the Board she is looking for a direction from them on this issue. She has also provided a letter and some research from Larry Taylor, GLRA Engineer. He had compiled some information when he had researched this topic a few years ago. The Board indicated to Mgr Grumbine they felt the survey is sufficient as it is and agreed with the deadline of January 31, 2009 to receive the survey.

B.) Garbage and Refuse Memo – DEP Requirements

Bonnie had prepared a Memo dated Oct 7, 2008 outlining some of the changes DEP is mandating regarding the Twp's Garbage and Refuse Ordinance. These changes are to be enacted by January 1, 2009 in order for us to be eligible for the 902 Grant. Mgr Grumbine reminded the Supervisors the 902 Grant is the funding source for recycling equipment and other items relating to recycling. The DEP requirements are based on Act 140 which was passed by the legislatures in 2006 and became effective January 8, 2007. A copy was provided for the Supervisors to review.

Suv Artz questioned if this is something that must be decided tonight. Mgr Grumbine replied that the Solicitor could include this with the updating of the Ordinances for 2008, as this must be done as an Ordinance. Much discussion was held about some of the requirements listed. The issue of enforcement was discussed at length. Suv Artz looked to the representative from Rose Marie Swanger's office to try to find some answers as to how these requirements in this Act are to be enforced and what can be done to provide income to cover the costs. Jill Weister agreed to do some research on this Act 140. The deadline for adoption of these revisions is December 2008.

C.) Property Maintenance Code Inspection Services

Lieutenant Wengert has provided a proposal from High Consulting Services for supplemental Code Enforcement services to North Lebanon Twp in the form of International Property Maintenance Codes, Fire Codes and Health Codes. Previously Chris Miller had been employed by the City of Lebanon and is now employed by High Consulting Services. Lt. Wengert stressed to Mgr Grumbine that the level of service will remain the same from Chris Miller plus the reports and documentation would be received in a timelier manner than had previously been experienced. Suv Hawkins mentioned the rates were increased. Mgr Grumbine reminded the Board this cost is a cost that is passed onto the property owner. It is not a cost the Twp absorbs. Suv Hawkins asked if we really need this type of service. She was told by Chf Easter that Lt Wengert does not have the training and certification to conduct some of these inspections.

Property Maintenance Code Inspection Services (con't)

Mgr Grumbine added that if the violations are taken to the court level, the expertise and certification level becomes necessary. Suv Hawkins questioned Chf Easter how many times Lt Wengert has needed to contact Chris Miller to perform these inspections. She also queried if Lt Wengert had voiced an interest in pursuing the appropriate training. After some more discussion Chm Brensinger asked how his fellow Board members feel about this contract.

Charles Allwein questioned if these services are used and it is determined there is not a violation; the Twp would then absorb the cost. So it would not be a pass through cost. Chm Brensinger stated that Lt Wengert is very astute as to when the situation calls for further inspections. There have only been 3 or 4 times when these inspection services were called for. All 3 times the situation absolutely demanded the additional inspections service. Chm Brensinger said he has every confidence in Lt Wengert's assessment of the situation.

MOTION was made and seconded to table the proposal from High Consulting Services. Unanimously carried.

D.) Nextel Proposal for Phone Upgrades

A proposal for upgrading the Nextel phones has been received. The proposal is for the i580 phone at .99 each and the i880 at 29.99 each. The maintenance departments like the military style, i580's with the exception of the Wastewater Foreman who will upgrade to the "stick" phone. The Manger and Ass't Manager would upgrade to the i880 phone. Chf Easter has provided information on a meeting with the governmental representative from Verizon to conduct a presentation on cell phones, direct connections, MDT air cards and other products and services. When asked Suv Brensinger stated the he personally feels that the service we are receiving from Nextel and the pricing offered are incentive enough to stay with Nextel and upgrade with them. Chf Easter confirmed the Officers satisfaction with Nextel demonstrator model that has been provided for temporary use.

MOTION was made and seconded to upgrade the phones and contract with Nextel. Unanimously carried.

E.) New Address Assigned for Spruce Park

Mgr Grumbine told the Board the following information is just for FYI purposes. The owner of Spruce Park stopped in the office and expressed interest in having an address change for the complex. It currently is listed as 9000 Spruce Park and he is requesting a Weavertown Road address. After reviewing with EMA, our Police Dept, Post Office and County GIS dept it was agreed the new address would be **500 Weavertown Road.** Letters have been mailed to notify the Harrisburg Post Office, EMA, Assessment Office, County GIS, NLT Police Dept and the Weavertown Fire Co.

SOLICITORS REPORT - Attorney Marc Hess**A.) N 11th Avenue RR Crossing – Decision Received from PUC**

Attorney Hess said he had a written report from Sol Wolf which had also been provided to the Supervisors. He read some of the findings received pertaining to the responsibilities regarding this crossing. The crossing will remain open with the future maintenance costs shared by North Lebanon Township and Lebanon City. The County is questioning whether it is responsible for installation of improvements in the area or the County MPO. Clarification of this issue is being sought, as it was agreed by the Lebanon county MPO that they would pay for the construction costs, not the County.

B.) Machamer Plan

New deed information was submitted and according to Sol Wolf is ready for approval.

C.) Code Enforcement Issues

Sol Wolf and Lt Wengert have been working on 3 code violation properties. After written communications from Sol Wolf, 1 property owner has responded and is working on a plan of action.

Code Enforcement Issues (con't)

The other 2 property owners' situations will be filed with the court for their compliance.

D.) Truck Traffic Agreement; Kreider's Property – Tunnel Hill Road

Sol Wolf has provided a truck agreement. The Planning Commission reviewed the draft at their meeting. Mgr Grumbine added she had prepared a letter to the Board regarding discussions and concerns expressed at the October Planning Commission meeting. Bob Sentz received the letter outlining the discussion from the meeting in order to discuss with Earl Meyer and Rick Bolt, the County Engineer.

Suv Brensinger stated he had some concern about a written requirement pertaining to all the deliveries and trucks that will be made to the Kreider property, one month in advance. Suv Brensinger said there is no way that they will know one month prior in all circumstances. He said he will discuss this with Sol Wolf.

E.) Right-to-Know Law

Attorney Hess commented on the complexity of this new legislation is to become effective January 2009. There are requirements listed in the law which will take some time to implement. When asked what this law is about, Attorney Hess replied it is about the public's right to public records and how to proceed providing it to the public when asked for it. There are also a lot of inhouse requirements that must be addressed.

F.) Non-Conforming Certificate – 1205 Mt Zion Road

Mgr Grumbine directed the Board's attention to the non-conforming certificate Sol Wolf has prepared for 1205 Mt Zion Road. Considering the equipment the current business will need to have on this property and reviewing what had been permitted for the Hardick business, the Supervisors are being asked to review the vehicle information and prepare their comments to provide for Sol Wolf during our November 3rd meeting.

COMMENTS FROM BOARD MEMBERS**A.) Valspar Complaints on trucks Using 25th Street off Tunnel Hill Rd for Access; Signs to Install**

Chm Brensinger stated the new directional signs have been installed at the intersection of Rte 72 and 22nd Street. Hopefully this will help the truck drivers as to where to find Valspar. This should eliminate the trucks getting hung up on 25th Street.

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

Respectfully Submitted,

Theresa L. George
Recording Secretary