

**MINUTES
NORTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS
DECEMBER 15, 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
Frederick S. Wolf	Henry & Beaver LLP

Also in attendance was Kathy Hackleman of the Lebanon Daily News, Rodger Sands of the Patriot News and several other individuals. The meeting was called to order and the pledge to the flag was done. The December 1, 2008 had been cancelled due to lack of quorum. Chm Brensinger announced we would start the normal meeting but will cease at 7:30 pm for the advertised Public Hearing on Ordinance 6-2008.

APPOINTMENT OF FIRE POLICE OFFICER

Chm Brensinger stated the first item on the agenda is an appointment of a new Fire Police Officer. John Moser was asked to step forward to take an oath. Mr. Moser repeated the oath to become a Fire Police Officer. Chm Brensinger, Suv Hawkins and Artz expressed their appreciation to Mr. Moser for committing to volunteer time and serving his community.

COMMENTS FROM THE PUBLIC

There were no comments from the public this evening.

APPROVAL OF MINUTES

MOTION was made and seconded to approve the minutes from November 17, 2008 (December 1st meeting cancelled). 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.) Calls for Service – November 2008

The total calls for service in the month of November were 267 with the high day being Wednesday followed by Saturday and Sunday. Chf Easter mentioned a few of the types of calls received and the total amount of miles logged on the vehicles.

Chf Easter stated he has nothing else to report on unless the Board has any questions. The Board indicated there were no questions.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine

A.) Seyfert's Orchards Lot Addition Plan

This plan shows an 8.7246 acre lot addition to the adjacent lands of Seyfert Orchards Inc. The purpose of this plan is to revise a previously approved subdivision plan which showed Lot addition A being added to a different adjacent property. The Planning Commission also recommended approval of this plan at their 12-18-08 meeting.

MOTION was made and seconded to approve the revised Seyferts Orchards Inc Subdivision/ Lot Addition Plan. Unanimously carried.

B.) Agreement to Authorize Electronic Access to PADOT Systems – Res 20-2008

This agreement is to approve the Twp using the dotGrants system to file required annual Liquid Fuels forms. These forms include the MS -965 (Actual Use Report), MS-329 (currently not used), and MS- 999 (Project Completion Report). Mgr Grumbine is requesting the Board adopt Resolution No. 20-2008 so that these reports can be filed electronically in the future, which saves duplication and mailing costs.

MOTION was made and seconded to adopt Resolution No. 20-2008 to authorize electronic access for filing reports. Unanimously carried.

C.) Resolution No. 21-2008; 22-2008; 23-2008 MMO for Pension Plans 2009

The following Resolutions show funding requirements for the 2009 Pensions which are reflected in the proposed 2009 budget.

Resolution No. 21-2008 shows funding requirement for Non-Uniform Pension Plan

Resolution No. 22-2008 shows funding requirements for the Uniform (Police) Pension Plan.

Resolution No. 23-2008 establishes the required contribution by each police officer per Act 600. The established rate for contribution is 4% for 2009 (same as 2008).

MOTION was made and seconded to adopt Resolution No. 21-2008; 22-2008 and 23-2008 in regards to pension issues. Unanimously carried.

D.) Preliminary All funds Budget for 2009; Resolution No. 24-2008

Copies of the Preliminary Budget for 2009 have been available for Public review in the main office since the presentation during the November 17th meeting. A meeting with Department heads was held on December 3 to review the preliminary budget and share some suggested changes. In the aggregate, the change in revenues was .4% increase and the only a decrease of .83% for the expenditures. Resolution No. 24-2008 is being presented to the Board for adoption of the All Funds 2009 Township Budget and Fix the Tax Provision and Special Levies for the Fiscal Year ending December 31, 2009. Mgr Grumbine read Section 1-5 listed in the Resolution.

Glen Kreiser questioned if there have been any changes in the amount budgeted for the Police Dept. He is concerned about that portion of the budget. Mgr Grumbine replied that she and Chf Easter have met to discuss some slight revisions. Chm Brensinger added that the residents of North Lebanon Twp would not be happy to have services cut from the Police Dept. It is a difficult topic to deal with.

MOTION was made and seconded to adopt Resolution No. 24-2008 to adopt the All Funds Budget including Fix the Tax provision and Special Levies for the Fiscal Year ending December 31, 2009. Unanimously carried.

E.) Resolution No. 25-2008

Resolution No. 25-2008 has been prepared for the disposition of certain municipal records, as set forth in the Municipal Records Manual. Once the Board approves this Resolution the records will be properly destroyed. The Board questioned if the disposition is done according to the guidelines and were assured it is done as described in the Retention Manual.

MOTION was made and seconded to adopt Resolution No. 25-2008 for destruction of certain municipal records. Unanimously carried.

F.) Pertinent Matter

1. Fire Escrow – Sieber – During the November 17th meeting the Board approved an agreement with John and Nancy Seiber for temporary placement of a mobile home on their property. Due to difficulties with electric lines located on their property the Sieber's no longer wish to place a mobile home and the agreement is no longer necessary. In speaking to the Insurance agent for the Siebers, Mgr Grumbine learned the fire was contained to the kitchen and stairwell. The agent was going to get information from the insurance adjuster pertaining to the total amount of damage so that Solicitor Wolf can determine if a Fire Escrow is necessary.

Fire Escrow – Shepler – Mgr Grumbine has also been working with the Insurance agent for Mr. Shepler regarding his fire at 1007 Mechanic Street. The Fire Escrow has been posted with the Township. Several years ago the Twp adopted a Fire Escrow Ord. The reason for this was to protect the surrounding neighbors from having to deal with an unsightly abandoned structure. Mr. Shepler's agent indicated the existing home was to be demolished late in November and a new modular unit was to be placed on the existing foundation. The escrow money will be released when the owner moves into his new home. Mgr Grumbine took the time to commend the Twp Fire Companies. Chief Gettler informed Mgr Grumbine, through email, that Barry Kendall ran command and Brian Vragovich ran operations. Brad Pflueger and Chief George Gettler did the investigation and determined the cause of the fire. Chf George Gettler expressed his appreciation of the Police Dept's help with this situation.

2. Safety Committee Summary – A MEMO, dated November 28, from the Safety Committee outlines the accomplishments and various issues discussed during 2008. There are 17 items listed in the MEMO. Mgr Grumbine informed the Supervisors she had attended several of the Safety Committee meetings and would like to commend the Safety Committee for the commitment in making the environment safer as our jobs are performed. One of their goals is to instill safety on everyone's minds and keep them aware of their surroundings to decrease the chance of injuries.

3. Task Force Meeting – Dec 29, 2008 – The next Task Force meeting is scheduled for December 29, 2008 at West Cornwall Twp building. Suv Hawkins, Mgr Grumbine and Charlie Allwein (PC member) attended the last meeting held in September and invite anyone from the Board or Planning Commission to attend this next meeting. Dean Fernsler recently retired from DCED and consultant for LCPD will attend and will be discussing the topic of multi-municipal planning.

***** 7:30 PM PUBLIC HEARING BEGINS *****

Solicitor Wolf opened the advertised public hearing on Ordinance 6-2008 regarding the Garbage and Refuse Ordinance Update by explaining some of the language revisions contained in the update to the ordinance. He stated the Ordinance information has been available for public review and was advertised according to requirements. Some of the changes include individual requirements for record keeping by the residents and the license renewal process for trash haulers. The updated Ord also mandates the GLRA as the facility that an individual must take their garbage and refuse to in order to get rid of it. Currently our Ord reads that the license must be renewed by NL Twp. The revision will read that the license must be renewed by the Greater Lebanon Refuse Authority. Some of the revised verbiage is at the request of DEP. Sol Wolf asked for questions or comments from the public or the Supervisors at this time. He asked that the public speak one at a time by raising a hand then stating name and address for the record.

Q: Martin Barondick, New Street – Mr. Barondick questioned the responsibility of a renter whose trash collection is included in their monthly rent. These individuals will not have receipts. What then?

A: Sol Wolf replied it is the responsibility of the landlord or property owner to maintain the records/receipts of trash collection. The trash collection company would also have the information should it be needed.

Q: Martin Barondick, New Street – Barondick's next question was in regards to farmers. Most farmers compost their garbage. If this Ordinance reads "all individuals" doesn't that include the farmers? Also who is responsible for enforcement?

A: Sol Wolf replied that farmers are treated differently as they are required to follow all State laws pertaining to the operation of their farms. The State farming laws will always supersede any local municipal ordinances. As long as the composting is being completed within the appropriate guidelines provided by the State, farmers will be excluded from this Twp ordinance. Enforcement will be completed either by the GLRA or Officer Wengert and the Police Dept.

C: Bill McMichael, Kimmerlings Road told the Board he sees no reason to change the existing ordinance. He does not agree we should change the verbiage just to please DEP.

C: Glen Kreiser, Lincoln Village Mobile Home Park – The first question asked was a definition for garbage. Mr. Kreiser mentioned placing the farmers in a difficult position. It seems to him farmers have enough regulations they are trying to follow without trying to put another burden on them about garbage and composting.

A: Sol Wolf stated the definition of garbage is included in the Ordinance. He next commented that the farmers are already following requirements pertaining to the running of the operation. As long as the farmers are complying with the established State requirements, this revision to the garbage ordinance will not change the way they are currently taking care of disposing garbage.

Q & C: Paul Schwab, Hunter's Chase Lane – Mr. Schwab sated he does not understand why the Twp must accommodate the wishes of DEP. He understands it is connected with Grant funds. However it is his opinion that we do not need Grants from DEP. Schwab also mentioned the Lebanon Farms Disposal lawsuit in progress with the GLRA. A discussion about the current NLT Yardwaste Facility followed. Schwab questioned how much it costs to operate the facility. Suv Brensinger stated he could not provide an accurate figure without researching it. Schwab informed the Board he does not see the need for additional equipment for the yardwaste area and he does not think we should pursue enlarging the waste area in the future.

Q: Charlie Allwein, Martin Drive – Mr. Allwein stated that in some situations an individual, if done correctly, could recycle all unused materials. They would not have any garbage to be collected. What then?

A: Suv Brensinger told the public that what is going on here is not a massive hunt for violators of the Ordinance. As long as the people are disposing of the garbage and recycle materials there will not be a problem. For those property owners that are creating a situation that the neighbors have to complain about, this Ordinance will be a tool for enforcement.

C: Suv Hawkins said she wanted to state what she thinks she is hearing tonight. She started by reading a definition from the existing ordinance for garbage. Next she reviewed the verbiage changes being requested in the proposed update Ordinance. She explained DEP has requested that we modify our Ordinance with the suggested wording changes. The choice to make the changes is ours. If we continue to pursue Grant funding, it is a given that we comply with DEP's suggestions for wording changes and make the Ordinance more reasonable. The idea of this Ordinance is not to chase down every resident and review their records. It is merely to ensure if any problems arise we have the written ordinances to follow up with enforcement. At times the GLRA enforces our ordinances while following up on a violation. The GLRA is where everyone in the County takes their trash already. This Ordinance is merely putting the current practice into written form. After some discussion Suv Hawkins indicated she was ready to take action if the other 2 Supervisors were ready.

MOTION was made and seconded to adopt Ordinance 6-2008 updating the Garbage and Refuse Ordinance. Unanimously carried.

***** The PUBLIC HEARING ENDED AT 8:18 pm *****

TOWNSHIP MANAGERS REPORT (con't)

4. Wood for Leni Lenape – A MEMO had been submitted by Sheila Wartluft pertaining to the Leni Lenape Park. In preparation for some planned work projects to begin the idea of cutting some of the dead or fallen trees into cords of wood was discussed. The cords could then be sold to the residents of NLT. The MEMO referred to Dave Strohm and Tom Kissinger as the individuals who would be doing the work. A discussion followed with many questions asked about this request.

Bruce Sattazahn asked the reason that Twp employees would be doing the work. He felt it would be more reasonable to sell permits and allow residents to come on the property and cut their own cords of wood. Suv Hawkins stated that is exactly what we do NOT want to happen. The liability would be too cumbersome. Sattazahn asked Sol Wolf if a signed waiver would release the Twp of that responsibility. Sol Wolf replied he is not too sure the Twp's responsibility would be totally voided in that situation.

Sattazahn pointed out that the wood should be cut then dried for a period of time before use. Where is the Twp going to store this wood to ensure there would not be any stealing? Mgr Grumbine stated she was told the plan was to store the wood in the closed pavilion here at the building and keep the price low enough that it would be sold quickly. The sales would be to Twp residents only. Sattazahn commented on the amount of time it would take a Twp employee to cut the wood, load the wood and transport it back to this location. His next question would be is the Twp going to deliver the wood. Mgr Grumbine responded it would be her suggestion that people would get the sizes that are cut, no special orders, and would transport the wood to their own homes. If the wood was to be delivered we would have to increase the amount.

Glen Kreiser suggested letting the fallen wood lay and allow it to go back into nature. It provides cover and food for many of the animals.

Suv Brensinger said he does not know if the Board is ready to take action on this issue. He personally knows the time and effort it takes to cut one cord of wood, not to mention the high risk. Suv Artz said he is in favor of tabling this issue. Suv Hawkins was in agreement as she wants to know exactly what wood is being discussed for removal.

5. Names of Streets The County GIS department has provided an addressing guideline. The guidebook was created by the GIS dept using the Maine Enhanced 911 and the Addressing Guidebook for Local Governments. Mgr Grumbine provided a copy to the Supervisors along with the recommendation that some of the guidelines be used in the Township right-of-way specifications when reviewed in 2009. This would assist when addressing is determined for new developments, as well as new street names proposed by the developers. Mgr Grumbine asked the Board to consider some of the info provided and in 2009 when the revisions are looked at it will be discussed at that time.

6. Christmas Tree Recycling will again be offered by the Township and the Greater Lebanon Refuse Authority. The Twp will accept trees placed outside the Yardwaste Facility gate until Friday, February 13, 2009. The GLRA will accept trees until Saturday, February 14, 2009. All trees must be undecorated and free of all ornamentation.

SOLICITORS REPORT – Solicitor Frederick Wolf**A.) N 11th Avenue RR Crossing – Decision Received from PUC; Appeal Filed**

Sol Wolf discussed the previous issues with the decision handed down from the Commonwealth Court. An appeal has been filed with the Supreme Court and now we are waiting for the Court to review and make a decision on the continuing maintenance costs.

B.) Right-To-Know Law – Resolution No. 26-2008

Sol Wolf told the Board that Resolution No. 26-2008 is to adopt the Right-To-Know policy and forms to be used by the Twp when receiving requests from the public for misc municipal records.

Right-To-Know Law – Resolution No. 26-2008 (con't)

This is all related to the Open Records Law which will go into effect January 1, 2009. There are 4 different letter responses to these requests which are attached to the Resolution as Exhibits A-D. Exhibit E & F are to inform the public about who the appointed Open Records Officer will be, the hours of availability for these requests and a fee schedule recommended by DCED. When asked who will be the appointed Records Officer Sol Wolf replied that Manager Cheri Grumbine will be the Records Officer with Assistant Manager Sheila Wartluft as the alternate.

There was some discussion about this new law and the original introduction of the law. The fee schedule is one that has been established by DCED and is the recommended schedule for use. Sol Wolf said the fees are very minimal and cannot be deviated from. The Board was asked if they had any questions pertaining to the Resolution or the Open Records Law. The Board indicated they were ready to take action on the Resolution as they are now out of time due to the January 1, 2009 deadline. Mgr Grumbine said she had one question regarding the fees. Exhibit "E" reads "see attached". Should it read actual costs? Sol Wolf agreed that a revision should be made to read "actual costs".

MOTION was made and seconded to adopt Resolution No. 26-2008 regarding the Open Records/ Right-to-Know Law. Unanimously carried.

C.) CVS Update; Traffic Signal Maintenance Agreement

Revised documents have been received for Sol Wolf and Mgr Grumbine to review. With the redesigning of the intersection in front of the Lebanon Valley Mall, the question of the maintenance issues for the traffic light have been discussed. Currently Boscovs is responsible for the maintenance issues. Once the new CVS is built, the owners of the CVS property will become responsible for maintenance issues. The Bonding would be placed with North Cornwall Twp not NLT. Any costs that would be incurred by North Lebanon Twp for recording costs and attorney's fees will be the responsibility of CVS.

D.) Code Enforcement Issues

Sol Wolf reported that he and Officer Wengert had been working on 2 outstanding issues with Code Enforcement. To date one of the issues has been resolved. Officer Wengert will be reviewing the remaining issue before any further action is taken.

E.) Homeowners Association Documents – The Crossings at Sweet Briar

The Homeowners Association documents for the Crossings at Sweet Briar had been approved at a previous meeting. Sol Wolf and Mgr Grumbine will be meeting to review all the language in the documents to assure all issues have been addressed. Once review and revisions are completed the Supervisors will receive a completed draft for their review.

F.) Truck Traffic Agreement – Kreiders Property Tunnel Hill Road

Sol Wolf told the Board he and Mgr Grumbine had met with Bob Gerhart, of Matthew & Hockley Engineering, to discuss the attachments that will be needed for the drafted agreement pertaining to the trucking activities for the proposed chicken farm to be located off Tunnel Hill Road. One item will be a complete and accurate description of the trucks going in and out of the facility. Another item needed will be a document showing the intersection at Tunnel Hill Road and the width of the right-of-way leading back to the Kreider property.

G.) Misc Ordinance Updates for 2008

Sol Wolf reported the work on the misc Ordinance updates is continuing.

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

The former Hardick property has been purchased and another business is operation there. The parking of vehicles and storage of equipment in buildings has all been listed in the non-conforming certificate.

I.) Pertinent Issues

1. On Lot Sewage Program – A notice from Lebanon County Planning informed the Twp that 2 individuals are still in noncompliance with the onlot maintenance program the Twp adopted several years ago. Since the report one property has now come into compliance. The remaining property will have legal action taken against its owner if they refuse to comply with the Ordinance.

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

Suv Hawkins commented on the mindset of the department heads regarding the Budget planning this year. She stated it was a pleasure to see their commitment to getting the required budget accomplished. The Board received cooperation from every department.

B.) Suv Ken Artz

Suv Artz stated his appreciation for the discussion during the Public Hearing this evening. The residents' opinions are an important part of the Board's decisions.

C.) Suv Ed Brensinger

Suv Brensinger wished everyone Happy Holidays!

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

Respectfully Submitted,

Theresa L. George
Recording Secretary