

**MINUTES
NORTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS
JANUARY 17, 2011**

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:

Kenneth C. Artz	Chairman
Richard E. Miller	Vice – Chairman
Edward A. Brensinger	Treasurer
Cheri F. Grumbine	Township Manager
Harold L. Easter	Chief of Police
Frederick S. Wolf	Township Solicitor

Also in attendance were Kathy Hackleman 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.) Gary Heisey – Honorary Monument for Rich Meily

Mr. Heisey, a representative from the Ebenezer Baseball Association, explained the 51 year commitment to this baseball association Rich Meily has provided. The Association would like to honor Meily's commitment by erecting a monument in the flagpole area of the John Lyter teener field. A 3ft x 3ft concrete pad will be constructed with fascia block and a bronze plaque stating "In honor of Rich Meily who gave 51 years of his life to Ebenezer Baseball." The area will be lit with installed solar lights on the flag pole and will be maintained by the association who will be responsible for replacing the flag for the first year. Approximate cost is \$1200 which will be privately funded by outside sources who have played ball or coached for Rich Meily. The Association has attended the Park & Recreation meeting to explain the proposal and received the P & R Board's approval to approach the Supervisors with the idea.

Chm Artz stated he was aware of Rich Meily's long time involvement with the association. He said he did not realize it had been 51 years. He said he would be in favor of the request and asked his fellow Board members if they have comment or questions. The Board was in agreement to give the Association the go ahead for this honorary monument.

MOTION was made and seconded to approve the monument, as has been described, for Rich Meily. Motion was unanimously carried.

B.) Bruce Sattazahn – W Maple Street

Mr. Sattazahn reminded the Board he had spoken at a previous meeting regarding the street light at the intersection of Tunnel Hill/ N 22nd St/ Rte 72 and Hill St. The light, which is mounted on a metal ballast is to light the intersection and is located on the southeast corner of the intersection. The light is still not functioning properly and intermittently goes off and then comes on again. Chm Artz asked Mgr Grumbine to respond as she had contacted LVEDC about this issue.

Mgr Grumbine explained she had contacted LVEDC due to the fact they are responsible for the maintenance issues at this intersection. She had received an email stating that C.M. High had been contacted and was due to perform maintenance work required. Mgr Grumbine said she thought it had been taken care of. The Board requested Mgr Grumbine make contact again to check on the status of the repair work as they recognize that being an intermittent problem it may take longer to find the problem to correct.

Sattazahn – Mulch Inventory

Mr. Sattazahn told the Board he would like to discuss another subject with them. He is requesting that the Board consider selling the finished mulch inventory that is currently being stored in the Yardwaste facility. He said he realizes the Rules & Regulations specify the mulch is not to be sold by a card member. However he would like the Board to consider the fact that it would provide some income for the Twp to offset the costs of the equipment and the production of the mulch. It appears there is about 2 to 3 trailer loads in the current inventory. He would be willing to buy as little or as much as the Board would consider selling to him. His intent is to sell the mulch at his nursery location on Maple St this spring. He would ask that he receive 2 different prices. One price would be that Sattazahn would pick up and the other would be if the Twp was to deliver the mulch. Another factor he feels the Board needs to consider is the insurance liability the Twp could face if someone is in the facility hand loading the mulch and injures their back or has some other injury. He questions whether the Twp is aware of the liability they could be forced to deal with.

The Supervisors discussed the idea of selling the inventory. Suv Brensinger explained the usual pattern that occurs with the mulch inventory. He agrees it might be worth considering as a source of revenue. He does not think it should all be sold. Chm Artz stated to Sattazahn that the Board would like some time to investigate and give him an answer at a later date. Sattazahn said if he could have an answer at next month's meeting, he would be satisfied.

C.) Glen Kreiser – Shellie Street

Mr. Kreiser asked if Sattazahn's request was for the brush or the finished product. He was told it is the finished product Sattazahn is interested in obtaining. Kreiser remarked on the various Grants used to obtain a lot of the equipment used in the facility. The Board should think about reviewing the Grant applications and awards to determine if restrictions might pertain to what they can do with the finished mulch.

Kreiser next addressed the Board about the flashing signal lights located on Rte 72 at the NCCS. He said today was a holiday (Martin Luther King Day) with no school attendance. He noticed the lights were flashing again this holiday. Chm Artz informed Kreiser the Chief is going to discuss this issue with his report later this evening.

D.) Sandra Earhart – E Cumberland Street

Ms. Earhart told the Board she had attended the meeting in November with her neighbors, the Sahonics, to discuss the lack of plowing at their properties on E Cumberland Street, formerly E Lehman St. She reminded the Board Mgr Grumbine had reviewed maps that showed there was no public street in front of their homes. However Ms. Earhart provided a copy of her Deed information that mentions her property fronting a public street, formerly known as E Lehman St. Ms Earhart provided Chm Artz with a copy of her deed information.

Sol Wolf, after reviewing the document, stated that often times it is a surveyor who prepares the language for the legal descriptions on these deeds. The surveyor would not know for sure if it is a public street or not. Suv Miller stated he had spoken to Rep Swanger about trying to get this information from PADOT. She had told him she would look into and get back to him. As of now he still has not had a response. Research would have to be completed at the Clerk of Courts Office to verify any vacating of public streets or acceptance of streets. He added that it appears Mgr Grumbine had already researched the issue. Mgr Grumbine stated that the information about what had happened to this particular area after the Avon Bridge was worked on has not been found. There does not seem to be any documentation about whom, if anyone vacated the area. Chm Artz spoke to Ms. Earhart asking her to permit the Supervisors to review the deed information she had provided and check with the Clerk of Courts Office. A direction on this issue will be given at the next meeting, Feb 21. Ms. Earhart told the Board she hopes there will not be significant snow between now and then. She is an employee at the VA hospital and must get to work. The lack of snow plowing will present a problem for her.

APPROVAL OF MINUTES

MOTION was made and seconded to approve the minutes from the Jan 3, 2011. 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.

CHIEF OF POLICE REPORT – Harold Easter**A.) North Lebanon Twp Calls for Service – December 2010**

Chf Easter reported an overview of activities for the Police Dept in the month of December. A total of 736 Police contacts were logged.

Year End – Summary Report

Chf Easter also reported on the 2010 year end summary. A total of 8,558 citizen contacts were recorded for the North Lebanon Twp Police Dept for the year 2010.

B.) Update on Flashing School Zone Lights – Rte 72 (NCCS)

Chf Easter reported on a conversation he had with the new NCCS Principal regarding the flashing signal lights located on Rte 72. Dr. Hubbert informed Chf Easter that it is the responsibility of the maintenance person employed by the school to adjust the holiday settings for these flashing lights. As he has only been the Principal for a few months, he told Chf Easter he will have a talk with the maintenance man to request that these holiday settings be put into place on the appropriate days.

Chf Easter offered his observation that the flashing lights located at all school zones are only adjusted if the holiday is more than a one-day holiday, such as Martin Luther King Day. This remark started a conversation regarding whether or not a motorist has to obey the lights if school is not in session for a holiday. Glen Kreiser said he disagrees with Chief's statement about a one day holiday. He said the lights on Maple St at the Lebanon City Schools were not flashing today when he traveled through there. Chf Easter and Mgr Grumbine both stated they had traveled through this area at lunchtime and the lights were flashing. Chf Easter ended the conversation saying Dr. Hubbert agreed to talk to the maintenance person at the NCCS.

C.) IPMC – Appeals Board

Chf Easter told the Supervisors that Chris Miller is currently a member of the existing International Property Maintenance Code Appeals Board. As Chris has become active in the enforcement portion of the IPMC he can no longer sit on an Appeals Board. He is recommending the name of Dr. John Eder to take Chris Miller's place on this Appeals Board. The Supervisors discussed the need to replace Chris Miller on this Appeals Board.

MOTION was made and seconded to appoint Dr. John Eder to the International Property Maintenance Code Appeals Board to serve the remaining term vacated by Chris Miller. Motion was unanimously carried.

D.) The Pflueger Family

Chf Easter announced the Pflueger family has lost their son, Brandt, this week. He asked everyone to keep the family in their thoughts as the family struggles to deal with their loss.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine**A.) Update on Meeting – N 7th Street/ Kimmerlings-Kochenderfer Road**

Monday, January 10, a meeting was held between Township staff and representatives of the LCPD, Tom Kotay and Jon Fitzkee-LCPD Transportation Consultants, Kris Troup-Executive Director-LCPD; Ed Brensinger, Ass't Mgr Wartluft and Mgr Grumbine.

A previous meeting was held on this intersection 12/23/09 at PADOT. Based on the Board's most recent discussions on this issue, Jon Fitzkee and Tom Kotay contacted PADOT District 8-0 Traffic Unit. During the 12/23/09 meeting, PADOT's recommendation included 2 safety improvements with a 3rd improvement included for the fall of 2010.

N 7th Street/ Kimmerlings-Kochenderfer Road (con't)

Improvements are: 1) thermoplastic intersection warning markings and 2) "Crossroad Ahead" Flashing warning devices to be installed along N 7th Street for both the north and south bound approaches to the intersection; and 3) pavement markings (bump outs), as previously discussed by the Board. Dean Marriott (PaDOT) had designed bump out paint plans for the intersection this fall, however the paint crews had already completed painting in this area's highways when they met with the township, so the bump out lines will have to wait for 2011 paint season. Jason Hershock (PaDOT Engineer-Traffic Unit) will contact Lebanon County Maintenance about having the thermoplastic intersection warning markings added when the weather permits in 2011.

The "Crossroad Ahead" flashing warning devices would be the township's responsibility. It is the recommendation from PADOT and those attending our meeting last Monday that the Board takes action to proceed with contracting with an engineer to design a flashing warning signal/sign plan for the installation of the 2 devices. Following design approval from PADOT, the engineer would proceed to prepare contract documents, including bidding requirements, and assist in various other aspects. Mgr Grumbine has contacted Rettew Associations requesting a proposal. The proposal is for \$4600 (\$1600 traffic signal design, \$2800 construction phase services, and \$200 misc costs). The estimated cost of the devices is \$9000/each for an estimated construction cost of \$18,000. The total projected costs would be \$22,600. LCPD staff explained that MPO TIP money would not be available for a small project, as they have numerous larger projects on the table. Our best resource is to request additional county liquid fuels funding from the County Commissioners. This would be an item not listed in the budget for 2011. LCPD staff is also informing us that if your intention is for another traffic study to be completed, PaDOT would not perform this study and the study would be the financial responsibility of the Township. This could cost anywhere from \$7000-\$10,000. It was their opinion that the traffic has not increased enough over the past 3-5 years (since the last traffic study) that would meet additional warrants for a traffic signal.

The Board discussed the options that were suggested as to what would be the best procedure to follow. Chm Artz voiced his doubt about the motorists heeding the warning flashing lights. Suv Miller said he is familiar with the flashing lights that had been installed at Sheridan Ave and Rte 934 in Annville Twp. He would like to check to see what that project had cost when it was completed. Mgr Grumbine pointed out that the flashing lights would be solar powered so there would not be a continual electric cost. A lengthy conversation took place about speeding and the motoring public. Suv Miller expressed his frustration with the lack of a solution to this topic.

Charles Allwein remarked about the accident summary report which Suv Miller had requested several months ago. It is his opinion that the problem is not lack of awareness by motorists of the intersection, itself. He feels it is the movement through the intersection that is the problem, the turns and the straight through traffic. Currently there is a sight problem at the corner. By painting "bump outs" for the intersection, it will restrict the movement even more. Another problem is some of the signage posted along 7th Street. In a truck it is not so bad but in a car the signage creates a bit of a problem. Allwein told the Board in his opinion bump outs would not be a good idea.

Suv Miller said the only other option he can think of is a STOP sign on 7th Street and he is sure PADOT would not like that idea at all. While riding in a cruiser car, Suv Miller said the shrub on the corner property did not create a sight problem. However as the tree grows, it will create a sight problem. His concern is preventing a fatality. Suv Brensinger agreed this intersection has been a "hot button" issue for a long period of time. However he feels whatever can be done to help the problems with this intersection, should be considered and moved on. Suv Miller suggested that Mgr Grumbine be given the approval to compose a letter to the County Commissioners requesting additional Liquid Fuel Funds for improvements at this intersection. The Board all were in agreement with this suggestion.

B.) Approval to Sell Old Shop Lights (Taken out of Service)

As previously discussed, the Twp placed our old shop lights out for bid (Municipibid site). The highest bid was \$165 as mentioned in a Memo from the Accounting Clerk, Bonnie. Mgr Grumbine is recommending that the Board take action to accept the bid and necessary arrangements can be made for the buyer to pick up the lights at the Twp building.

MOTION was made and seconded to approve the bid of \$165 for the old shop lights removed from service. Motion was unanimously carried.

C.) Resolution No. 4-2011; Revised Resolution for Narrows Drive Streetlights

At the 11/15/10 meeting, the Board adopted Resolution No. 23-2010 for the installation of seven (7) cobrahead streetlights along Narrows Drive. The office staff has been in discussions with Met-Ed regarding this project and ultimately has reduced the number of street lights to five. One streetlight was along Mt. Zion Road, which is a state road, and another light was listed to be installed on a pole that was part of the Orchard View Development. Met-Ed is now asking us to adopt a new Resolution noting the five (5) streetlights. Resolution No. 4-2011 is before the Board for approval.

MOTION was made and seconded to adopt Resolution No. 4-2011 approving 5 streetlights for Narrows Drive. Motion unanimously carried.

D.) Pertinent Issues**1. Annual Report from Planning Commission**

As required by the Municipalities Planning Code (MPC), the Planning Commission is providing to the Board their Annual Activity Report for 2010 outlining subdivision and land development plans when recommendations were provided to the Board, as well as current plans remaining under their review. No action is required by the Board.

2. Regional Comp Plan – Nest Meeting Jan 31-2011 @ 6:30PM – S Lebanon Twp

The next Regional Comp Plan meeting is scheduled for Monday, January 31, at 6:30 PM at the South Lebanon Township municipal building on S. 5th Ave.

SOLICITOR'S REPORT – Frederick S. Wolf**A.) EIT Over/Under Issue – Appoint Twp Representatives (Manager & 1 Supervisor)**

A request has been received by some of the municipalities who were EIT underpaid, to appoint the Twp Mgr and one of the Supervisors to attend meetings with the rest of the underpaid municipalities. The purpose of these meetings is to research the hiring of an independent attorney to represent the underpaid municipalities. Suv Miller stated he would like to volunteer to attend these meetings with Mgr Grumbine. Suv Brensinger questioned if there will be attorneys attending these meetings while researching for an independent attorney. Sol Wolf replied it would be the Managers and 1 Supervisor from each underpaid municipality. The meetings will be run by the Solicitor of Lebanon City, Donna Brightbill. Suv Brensinger stated he is in favor of Suv Miller and Mgr Grumbine attending these meetings. It is his understanding; the final decision will come back to the Board for approval.

MOTION was made and seconded to appoint Suv Dick Miller and Mgr Cheri Grumbine to represent NL Twp at the underpaid municipality meetings. Motion was unanimously carried.

Martin Barondick questioned if Sol Wolf will no longer participate on this issue. He pointed out that Sol Wolf represents municipalities from both the underpaid category and the overpaid category (Heidelberg). Sol Wolf replied this group is meeting to research for an attorney who is a specialist for this type of possible litigation.

EIT Over/Under Issue (con't)

Barondick's next question is did the EIT change its name. He has been seeing a new name associated with this Board. Mgr Grumbine replied there is now the group called the TCC, in compliance with the Act 32. The TCC meets right after the EIT meeting.

B.) Termination of Kreider Agreement

The Kreiders had signed an agreement in reference to the trucks entering and exiting their chicken farm located off Tunnel Hill Road. Part of the agreement was to have traffic flaggers whenever any of these chicken trucks were entering or exiting the property. Currently Kreider's son purchased the corner property (former Donald Gross property) and will affect the agreement that had been signed by the Kreiders and the Twp. Kris Troup of County Planning and Mgr Grumbine were present at a demonstration of a truck entering the lane, off Tunnel Hill Road, to the chicken farm to determine if the newly acquired Kreider property allows for enough turning area for the trucks. Reports from Kris Troup, LCCD, and Mgr Grumbine have been received regarding this demonstration. As it was achieved, the agreement between the Kreiders and the Twp can now be terminated. However Sol Wolf recommends that an easement be provided from the newly acquired property (former Donald Gross) to Kreider's property, the chicken farm. This protects the chicken farm having access should this corner property ever change ownership. Once this agreement is in place it will terminate the previous agreement regarding the need for traffic flaggers. A right-of-way agreement will be recorded in the Recorder of Deeds Office and become a permanent right-of-way. Suv Brensinger questioned if the easement would require a subdivision plan to which Sol Wolf responded no, a simple recorded right-of-way agreement is all that is necessary.

After some discussion it was agreed the Kreider's attorney would draft the right-of-way agreement and provide Sol Wolf with a copy to review. The Board of Supervisors will be asked to take action once Sol Wolf has completed his review and is satisfied with the right-of-way document. At that time the Board would then take action to terminate the original agreement containing traffic flagger requirements for the Kreider chicken farm.

C.) Ordinance Updates

1. Misc Ordinance Updates for codification have been discussed and drafted. A copy of the draft has now been provided to the Supervisors for review. Chief Easter will also receive a copy as there are some issues regarding Police Ord updates also. The opportunity is still open for any additional topics. Mgr Grumbine informed Sol Wolf that item 3 (handicapped parking) has already been taken care of by the adoption of a Resolution.

2. Airport Hazard Zoning Ordinance has been reviewed by Sol Wolf. The only airport that the Twp is influenced by is the Deck Airport. This Ordinance deals with height restrictions for buildings and structures within the surrounding airport area. In considering what already exists, the Board has to pay close attention to the rights of the existing property owners before adopting an Ordinance.

D.) Rockwood Sewer Project – Update on Grant Applications – Joint Meeting w Authority

The H₂O award announcement was to be made and has been rescheduled until their next meeting. Suv Miller asked if the postponement has anything to do with the new Governor coming into office. Sol Wolf agreed it definitely does. The proposed Rockwood Sewer Project depends on receiving a Grant.

E.) Delinquent Code Enforcement Accounts – Lien Update

There are 13 continuing cases, 6 of which have agreements in place or payments have started. One case has been challenged by an Attorney as to whether or not the individual should be paying any fines. Five cases there are liens placed or are being placed. For any of these situations where the people have tried to work out an agreement for payment, liens are not being pursued. The financial summary is completed by Bonnie, Accounting Clerk for the Twp.

Delinquent Code Enforcement Accounts (con't)

Suv Miller questioned if Chf Easter and LT Wengert have seen copies of the financial reports. He suggested by providing the financial report to them, they would be able to update the Board on any cleanup activities completed. Mgr Grumbine agreed to speak to Bonnie about providing this report to Chf Easter and Lt Wengert.

COMMENTS FROM BOARD MEMBERS**A.) Suv Dick Miller – Updating Twp's Recording System**

Suv Miller stated he would like to move that the Twp approve updating the recording system used to record all Public meetings. The update would improve from tape to digital recording and will prevent some of the failures experienced with the current tapes.

Earl Roberts questioned if with the change in recording procedure, would the recordings be preserved. Suv Miller said he would like to have it become our practice. He would like to have topics, such as the Sahonics have brought to the Board, recorded so that recorded information is found when researched.

MOTION was made and seconded to approve the quote of \$415.00 from SDK Electronics to provide the Twp recording system with digital capabilities. Motion unanimously carried.

Suv Miller said he will continue to review this situation at Kimmerlings Road and Kochenderfer Road intersection. He repeated Chf Easter's request that the Pflueger family be remembered during this time in the loss of their son.

Chm Artz informed the Public that following the meeting an executive session will be held to discuss personnel & litigation matters.

With no more business to conduct, the meeting adjourned.

Respectfully Submitted,

Theresa L. George
Recording Secretary