

**MINUTES
NORTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS
MARCH 21, 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
Marc Hess	Henry & Beaver LLC

Absent 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.) Charles Allwein – Martin Drive

Mr. Allwein questioned the week for spring clean up. He was told it is Monday, April 18th and all wood debris (yardwaste) is to be placed curbside.

APPROVAL OF MINUTES

MOTION was made and seconded to approve minutes from the February 21, 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 was unanimously carried.

FIRE CHIEF’S REPORT

There were no Fire Chiefs present to provide a report this evening.

CHIEF OF POLICE REPORT – Harold Easter

A.) North Lebanon Twp Calls for Service – February 2011

Chf Easter reported an overview of activities for the Police Dept for the month of February. A total of 677 Police contacts were logged.

B.) Pennsylvania Council Boy Scouts America – Fire Works Display

Chf Easter told the Board he had received a request from the Boy Scouts to hold a Fire Works display at the Union Canal Park on May 14th at approximately 9pm. Off Wengert has been informed and indicated this area would be acceptable for this activity. All insurance information has been provided. Chf Easter is asking the Supervisors to give approval for this event. Chm Artz mentioned an outstanding issue of some individuals that need to be contacted and informed about this request yet.

MOTION was made and seconded to approve this fireworks display contingent on the Friends of Union Canal and the Historical Society being informed and agreeing to the activity. Motion was unanimously carried.

C.) New Police Officers

Chf Easter reported that the 2 new Officers are coming along in their field training. Officer Hilbert has been here the longest and is about halfway through his training period. Officer Morgan has just started and will continue his training for about 6 months.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine**A.) Lenni Lenape Park – Land Development Plan for Phase I**

The land development plan for the first phase of the Lenni Lenape Park is ready for the Board's review and approval. Initial improvements include a pavilion/ restroom facility, playground areas, walking path, Frisbee golf course, parking facilities, storm water management facilities and the driveway access from Narrows Drive. The NLT Planning Commission had reviewed and recommended approval for this plan at their meeting last Monday.

Ass't Mgr Wartluft was present to explain the future plans for this park as well as this current Phase I being reviewed. Suv Brensinger questioned if the storm water issues were resolved that had existed. Sheila replied she had been told by Rettew the problem had been resolved by redesigning some of the stormwater. When asked about the issues that need to be addressed to obtain the DCNR Grant, Sheila explained some of the items that will be worked on as the process moves along.

Chm Artz asked about the boundary issues which had arisen when the park planning first started. Sheila stated that research and a survey was completed which corrected any of the issues that were discussed at that time. Chm Artz thanked Sheila for all her efforts in trying to get this plan going.

Glen Kreiser asked about a pond area that is located on this property. He stated the pond should have some sort of barrier to keep kids out of danger. He was told the pond is not located near the first Phase that is being discussed. Kreiser asked the Board to keep his request in mind when approving other Phases of the park project.

MOTION was made and seconded to approve Lenni Lenape Phase I Land Development Plan. Motion was unanimously carried.

B.) Resolution No. 6-2011; Destruction of Files per Records Retention Schedule

Resolution No. 6-2011 is being provided to the Board for action. The Resolution lists documents to be destroyed for both the Police Department and Administrative Office per the Records Retention Schedule. Mgr Grumbine is recommending the Supervisors adopt Resolution No. 6-2011. Chp Artz remarked on the amount of files that accumulate and the process of eliminating what is unnecessary.

MOTION was made and seconded to adopt Resolution No. 6-2011 approving destruction of certain files per the Records Retention Schedule. Motion unanimously carried.

C.) Resolution No. 10-2011; Designating a Fire Lane at the NLT Municipal Bldg

At the request of the Safety Committee and following Sol Wolf's review, Resolution No. 10- 2011 is being presented to the Board for action. This Resolution will designate a fire lane at the North Lebanon Twp Municipal Building. The fire lane will run parallel to the curbing at the front of the municipal building. Mgr Grumbine explained to the Board many of the near misses that have occurred due to people parking at the curb and the difficulties that other vehicles have when parked in the designated parking areas. It has created an unsafe situation.

MOTION was made and seconded to adopt Resolution No. 10-2011 establishing a fire lane at the front of the municipal building. Motion was unanimously carried.

D.) Pertinent Issues.**1. Regional Comp Plan Update; Next Meeting Apr 7 @ 6:30pm – S Lebanon Twp**

On February 28th the CLSD Regional Comp Plan Committee toured various sites of the five participating communities. Thursday, March 3rd the Committee met and discussed various aspects of the tour. Residents can now visit the website @ www.cornwall-lebanonplan.com for updates regarding the progress of the Committee. This site is also listed on the Twp website www.twp.northlebanon.pa.us.

2. Knox Box Update – 1st Release of Notification to Twp Businesses

The first group of Knox Box letters were mailed last week to businesses in the township. The businesses will have 18-months (Sept 11, 2012) to comply with the requirement. Chm Artz asked how many were involved in the first mailing. Mgr Grumbine stated there were around 20 businesses contacted, including the schools, banks, the GLRA etc. After the staff gets a system established the remainder of the mailings should go more smoothly. Mgr Grumbine said she plans to make contact with the fire companies within the next few months to get a feel for how the system is working.

3. Year End Summary / 2011 Safety Committee Goals

The Safety Committee has provided to the Board a summary of issues and projects they have completed this past year. Mgr Grumbine read through some of the report highlighting some of the tasks the Committee had dealt within the last year.

SOLICITOR'S REPORT – Marc Hess reported for Frederick S. Wolf**A.) Termination of Kreider Agreement – Easement to be Prepared & Recorded in Spring**

Attorney Hess reported that the right-of-way agreement being prepared by the Kreider son's attorney has not yet been received. This right-of-way agreement will be recorded and will be a permanent right-of-way for the Kreider chicken farm located off Tunnel Hill Road. Once this agreement is received the original Kreider agreement with the Twp will be terminated after the Board sees the new document.

B.) Ordinance Updates

As of now the Public Hearing date for various Ordinance updates and the Airport Hazard Zoning Ordinance is being scheduled for May 16th. Notice will be provided to affected property owners regarding the Airport Hazard Ordinance.

C.) Rockwood Sewer Project – Update on Grant Applications

An announcement for the Rockwood Grant is scheduled for April. Hopefully an announcement will be made in April.

D.) EIT Memorandum of Understanding

Attorney Hess stated this issue is one he is advising the Board to break for an executive session before discussing in the public meeting. There are details which must be discussed with the Supervisors pertaining to litigation matters relative to EIT and the EIT agreement before they can take any action. He is recommending that at the end of the meeting Chm Artz announce the meeting will be adjourned and the Board will go into executive session to discuss matters of litigation relative to EIT and EIT matters.

E.) Joint Intermunicipal Agreement Amendment

Attorney Hess mentioned the Intermunicipal Agreement which had been discussed and approved by this Board in November of 2010. An amendment has been drafted to be added to the original agreement and asked for approval to advertise this amendment in order to be attached to the original Intermunicipal Agreement.

The action being asked for from this Board would pertain to the advertisement for the Amendment to the Intermunicipal Agreement only.

Intermunicipal Agreement Amendment (con't)

We are not approving the Amendment, only the advertising of the Amendment. When this issue went before Judge Kline, he had indicated certain criteria he wanted to see with this form. Mgr Grumbine told the Board she should be signing the verification form ordered by Judge Kline.

MOTION was made and seconded to approve the advertisement for the amendment to the Intermunicipal Agreement. Motion was unanimously carried.

MOTION was made and seconded to authorize Mgr Grumbine's signature and submission of the Verification Form required by Judge Kline for the EIT issue. Motion was unanimously carried.

A lengthy discussion took place about the Board breaking for executive session and the reasons for this session.

Martin Barondick questioned if the public is able to be in attendance during this executive session. He was told no, the public is not present. That is the reason an executive session is called. Attorney Hess said there are legislative details that must be explained to the Supervisors so they can be informed before they are able to discuss and make a decision on this issue in a public meeting. Barondick expressed his dissatisfaction with this answer.

Earl Roberts questioned who exactly sought action in front of Judge Kline? Attorney Hess replied it was all the signatures on the Grumbine Plan. Part of that original agreement was that it would be approved by a court order. Roberts asked if Judge Kline has the authority to enforce this plan for those entities which have not signed on to the Grumbine Plan. Attorney Hess replied no, Judge Kline only has authority for those entities who had originally signed the agreement for the Grumbine Plan. Roberts asked if the Judge or the Pennsylvania system would have the authority, after the Grumbine plan is ratified by the Judge, to enforce all entities to be involved in the pay back plan, whether they had signed the agreement or not.

Attorney Hess told Roberts he is confusing what Judge Kline is being asked to do. Judge Kline is approving only the Intermunicipal Agreement and the entities that have signed the Agreement. Roberts stated he is aware of that but his question is, does the Judicial system allow for the authority to force the other entities to pay back according to the Grumbine Plan if they had not signed the Agreement? Attorney Hess said no, a non-party cannot be forced to pay back according to the Plan. Roberts said it is his understanding that the Taxpayers will be paying attorneys to argue and enforce a payback agreement between participating parties and then the attorneys will bring suit, on behalf of the underpaid entities, against those overpaid entities who did not enter into the agreement in hopes of getting them to payback also, according to the agreed Plan.

Recording of Minutes

Mr. Roberts wanted to go on record regarding the voice recordings which had been discussed at the end of the last meeting. He wants his opinion known that the residents should have a mechanism to review the minutes to insure accuracy of statements attributed to them before the minutes become an official record. He feels the Solicitor should not determine whether it is the residents' opinion when the recording could verify what the resident has said.

After consulting with Mgr Grumbine, Suv Miller told Roberts the minutes are available for the residents to read. Mgr Grumbine stated the minutes are available on the website after the Board has approved the minutes during a public meeting. Suv Miller replied that the person would have the opportunity to correct what they considered to be inaccurate. Mgr Grumbine replied during the following meeting the individual would have the opportunity to state what they considered to be inaccurate however the actual minutes from the previous meeting would not be changed. The current minutes would reflect what the individual considered inaccurate.

Recording of Minutes (con't)

The individual's correction would be reflected in the following meeting minutes. Roberts stated the control of what goes into the minutes is still with the administrative staff and he feels the individual should have a mechanism to prove their recollection.

COMMENTS FROM BOARD MEMBERS**A.) Suv Dick Miller – Meeting with Swatara**

A meeting had taken place between Swatara Twp Suv Dean Patches, Chf Easter, Ed Brensinger and himself in regards to some individuals riding ATVs irresponsibly between the 2 municipalities. Suv Patches questioned if NLT would be interested in providing some law enforcement in the area that these occurrences are happening. This meeting was an informational meeting and nothing had been decided. A discussion followed when a resident stated he is not interested in paying for NLT Police to provide protection in Swatara Twp since Swatara does not have any Police Dept in their budget. The resident stated that NLT has a \$1.7 million plus for a Police Dept in their budget.

B.) Suv Ed Brensinger – Next Meeting April 4

Suv Brensinger reminded the public the April meeting will be held the first Monday of the month instead of the third Monday due to the annual Convention being held in Hershey.

8:02 PM -The Board of Supervisors announced they were recessing for an executive session to discuss litigation issues.

8:23 PM – The NLT Board of Supervisors meeting was called back to order.

EIT Memorandum of Understanding

Attorney Hess explained during the executive session the Board of Supervisors discussed the EIT underpaid entities and the possibility of bringing suit against those overpaid entities that have not signed onto the payback Agreement. Also discussed was a possible law firm to instigate any legal actions. The Board of Supervisors indicated they were ready to act on the Memorandum of Understanding pertaining to litigation issues.

MOTION was made and seconded to approve the Memorandum of Understanding dated March 1, 2011 between the underpaid entities agreeing to bring legal action and to hire Pepper Hamilton LLP, a law firm located in Harrisburg to instigate the suit against non-participating overpaid parties. Motion was unanimously carried.

With no more business to conduct, the meeting adjourned.

Respectfully Submitted,

Theresa L. George
Recording Secretary