

**MINUTES  
NORTH LEBANON TOWNSHIP  
BOARD OF SUPERVISORS  
JUNE 20, 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:

Richard E. Miller	Vice – Chairman
Edward A. Brensinger	Treasurer
Frederick S. Wolf	Township Solicitor

Absent:	Kenneth C. Artz	Chairman
	Cheri F. Grumbine	Township Manager
	Harold L. Easter	Chief of Police

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.

V-Chair Miller announced there is a Public Hearing scheduled for tonight and it will begin at 7:30pm. The regular scheduled meeting of the Board of Supervisors will begin and at 7:30pm will close in order to open the Public Hearing segment of the meeting which will be conducted by Sol Wolf.

**COMMENTS FROM THE PUBLIC**

**A.) Glen Kreiser – Shellie Dr**

Mr. Kreiser reported to the Supervisors on an area at 8<sup>th</sup> Avenue and Canal St that he considers to be a dangerous intersection due to shrubs/bushes presenting a sight obstruction. Suv Brensinger stated he knows the area Kreiser is referring to and will take a look at the situation to see what needs to be accomplished.

Kreiser also voiced concern about the railroad crossings at 11<sup>th</sup> Avenue. He is not happy that the Twp is held financially responsible for improvements at these railroad crossings. Kreiser was told the financial responsibility falls to the railroad company not the Twp. Sol Wolf explained the Twp is only responsible for the approaches to the crossings. All other maintenance issues such as the paving fall to the railroad company.

**B.) Calvin Roop – E Cumberland St**

Mr. Roop started his comments by discussing the recent rain storms and the unusual amounts of water runoff it created. He said the people who own properties in the E Cumberland St area had some serious water problems. Mr. Roop identified himself as a neighboring property to the Sahonic property, which has been discussed several times at the Supervisors' meetings recently. The storm activity this past weekend however required some emergency services being dispatched to the area.

Mr. Roop stated there is a definite problem with water runoff/retention in the area. He noticed water from Ebersoles, Lebanon Seaboard, Dairy Queen and several of the smaller properties located within this 2 block neighborhood located in North Lebanon Twp. He realizes that South Lebanon is involved in this problem due to the south side of the railroad tracks being located in South Lebanon Twp. Roop stated he feels certain approved permitting in recent years has added to an existing problem for this area.

**Suv Miller** told Roop that the Board is indeed aware of the problem and all 3 Supervisors had visited the neighborhood. Part of the problem is the right-of-way easement the railroad company has to the north of these properties. Another consideration is what to do with the water once it is directed away from this neighborhood. Where exactly do we go to dump this water? There are a lot of unanswered issues that must be resolved before a plan of action can be created.

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**Storm Water/Water Runoff E Cumberland St (con't)**

Suv Miller told Roop that the Board is aware of the problems but need to come up with some sort of plan that will consider all variables involved. As far as Ebersoles land development, when that area was excavated and constructed, there was a huge underground water containment area installed to control/conduct the water runoff from Ebersoles property.

**Mr. Roop** spoke about a small pipe located near the Sahonic property which is a small 2" T pipe. The pipe seems to run toward South Leb Twp's side of the railroad tracks. He has tried to note the water runoff the last few times there have been heavy rains. He does not agree that Ebersoles has not added to the problem. Because of all the buildings and the paved areas they definitely, in his opinion, have added to the water runoff problem.

Suv Miller stated that the meeting would stop at this time so that the Public Hearing can begin. This issue will resume after the close of the Public Hearing.

**PUBLIC HEARING STARTED AT 7:30 PM**

Sol Wolf opened the public hearing with an explanation about the required advertising that had been completed as well as mailings to the effected property owners regarding the proposed Airport Ordinance. Both Ord 1-2011 and 2-2011 had been advertised and discussed at the May meeting but had been tabled due to some requested revisions to the verbiage. The revisions have now been completed and will be reviewed this evening. Advertising of the revised ordinances has also been completed. After his review of these revisions the public and the Supervisors will have the opportunity to question or comment.

**Ord 1-2011 – Ordinance Updates for Codifying**

This Ordinance deals with updates to existing ordinances. When discussed last month there were some questions in regards to the International Property Maintenance Code and the enforcement/collection of the payment of fees owed to the Twp. During the process property owners are given the option of signing an agreement if the situation is such that the fees cannot be paid in full. Suv Miller had raised the question of an agreement being signed and then the individual defaulting on the agreed payments. Language has been added to reflect a lien being placed on the property in question at the time of the agreement signing. Should the property owner default the lien will protect the Twp for the outstanding costs.

The burn ban placed in times of emergency drought situations was another revised update. There are times when the County Commissioners adopt a No Burn Ban. Chf Easter requested the wording reflect that the NLT Police Dept is able to enforce a County Burn Ban during the time between the County Commissioners announcement of the ban and the time the NLT Board of Supervisors adopts the County Burn Ban. There are times when the 2 meetings are not in sync with each other. By granting the Police Dept the ability to enforce the County Ban the timing between the 2 meetings will not be a factor.

Permitting for Peddling is another issue being addressed in the ordinance update. The current ordinance prohibits certain actions. However Chf Easter felt strongly the ordinance should prohibit any nighttime activities. The language being added to update the ordinance will read "no peddling permitted on Sundays, holidays or anytime before 9am or after darkness, unless by prior appointments".

**Ord 2-2011 – Airport Hazard Overlay**

The Airport Hazard Overlay Ordinance was reviewed at last month's meeting. After hearing public comments regarding concerns about height restrictions and existing structures, such as trees, some revisions were added to the ordinance. The definition for a structure is now included and a height restriction within the conical area has been specified. Language pertaining to existing conditions and application for new conditions are also addressed in the ordinance.

**Airport Hazard Overlay (con't)**

Sol Wolf opened the floor for discussion on either of the ordinances. He repeated the revisions that had been made in the current ordinances are before the Board tonight for adoption.

The public did not have any comments or questions.

**Suv Miller** asked for clarification about the timing of the lien being filed against a property owner when fines and costs are not paid for code enforcement issues. Sol Wolf repeated the lien will be filed when an agreement is signed by the property owner. That way if there is any default in payment the lien is in place and will only be removed when the fees are all paid in full. As there was no more discussion or questions Sol Wolf told the Board that the Ordinances are before them for action.

**MOTION** was made and seconded to adopt Ordinance 1-2011 updating the ordinances for codification. Motion unanimously carried.

**MOTION** was made and seconded to adopt Ordinance 2-2011 for an Airport Hazard Overlay district of the Deck Airport. Motion unanimously carried.

7:45pm Sol Wolf stated this ends the Public Hearing portion of the meeting.

**APPROVAL OF MINUTES**

**MOTION** was made and seconded to approve minutes from the Supervisors' meeting on May 16, 2011 and the Joint Meeting between Swatara, NLT Municipal Authority and the NLT Supervisors held on May 23<sup>rd</sup>. 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.

**COMMENTS FROM THE PUBLIC (con't after Public Hearing)****Storm Water/Water Runoff E Cumberland St****Matt Crocker – E Cumberland St**

Mr. Crocker spoke to the Board about some of the problems he had at his rental property located on E Cumberland St. due to storm water problems. He told the Board the difficulties in trying to make insurance claims due to water problems and flooding. As a result of the water flooding recently he had lost a furnace which was a fairly new furnace and he could not place a claim with his insurance company. Crocker said he knows this area has had water problems for a while and is not placing the blame on this particular Board. However he feels it is this Board's responsibility to do something to help the property owners out since, in his opinion, this is North Lebanon Twp's problem. Crocker mentioned to the Board that there are no storm drains on that side of the railroad tracks to take any of this water away. He repeated he is looking to North Leb Twp to do something to help their taxpaying residents out.

**Suv Brensinger** replied to Crocker's comment by asking him what he would suggest be done. Where exactly does he recommend the water be directed to? It is not responsible to direct it to someone else's neighborhood or properties. There is no easy fix for this problem. Some conversation followed relating to years ago when the bridge was built and the staircases that had been there at one time. Suv Brensinger agreed the staircases have been removed but the gully washes are still in place and this also adds to the water runoff.

**Carol Sahonic – E Cumberland St**

Mrs. Sahonic told the Board about the latest episode with water in their basement. She said it was almost as bad as Agnes in 1972. She also told the Board she feels the water was not as bad until after Ebersoles was permitted to build in the neighborhood.

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**Water Issues E Cumberland St (con't)**

Mrs. Sahonic said some people advised them to move out of the neighborhood. Sahonic stated this is their home for 40+ years. Why should they move? It is up to North Lebanon Twp to do something to help this neighborhood in her opinion. She said there is someone from the county coming out to meet with herself and her husband later this week. Suv Miller questioned if they really think that Ebersoles property increased their problems with water. The reply was there was always a water problem in the area but it seems to have increased since Ebersoles developed their property. Suv Miller repeated that Ebersoles were mandated to construct a huge water detainment system under the one large paved parking area.

**Suv Brensinger** explained the system of piping that was constructed under the paved parking area on the south side of Old Cumberland Street. This piping system collects the water and retains it underground to very slowly release it back out underground at a slow occasional rate. There are calculations and a formula that dictates the size of the retaining area which Ebersoles' engineers had to use when designing the retaining area. Suv Brensinger asked Mrs. Sahonic if she knew the name of the person coming to meet with them from the County. She replied she had it at home. He asked if the name Rick Bolt sounded familiar. She thought that might be the name but would have to check at home.

**Earl Roberts** suggested that the engineer who designed the system for Ebersoles probably did some research and might be able to provide some insight as the design used. The quantity and the direction of flow should also be known. This information could provide some insight to a possible solution for this area. Sol Wolf added the County Engineer would have approved this design during the planning process.

**Charles Allwein – Martin Dr**

Mr. Allwein stated that the engineer for Ebersoles would have had to use the 50-100 year storm design when working on the Ebersole project.

**Matt Crocker** suggested the Board meet with all the property owners, South Leb Twp, North Leb Twp, PADOT and the railroad and try to get a resolution to this problem. The continued financial hardships on the property owners are getting to be too much for them to absorb.

Crocker also spoke to the Board on another issue he has with North Lebanon Twp. Code Enforcement procedures in North Leb Twp. He stated he has tried to contact Officer Wengert at least 3 times and receives no answer. He has tried to contact Chris Miller of High Safety Consultants twice. He said he left messages and neither one of these men returns his calls. Crocker stated he would have expected a secretary to call him back if neither of these individuals were available. Suv Miller told Crocker he personally will speak to Off Wengert and Chris Miller to make them aware of Mr. Crocker's messages.

**CHIEF OF POLICE REPORT – Vice Chm Miller****A.) Resolution No. 12-2011; NLPD Policy Manual**

Suv Miller stated that although Chf Easter is absent he had asked that the Board act on the Police Policy Manual. This issue had been tabled twice by the Supervisors. Suv Brensinger indicated he was ready to act on this Policy.

**MOTION** was made and seconded to adopt the NLPD Policy Manual effective 6- 20- 10. Motion unanimously carried.

**TOWNSHIP MANAGERS REPORT – Read by Sol Frederick Wolf****A.) CLSD Municipal Representative for EIT/ TCC Boards**

Per the signed CLSD Intermunicipal Agreement, it is time to change representatives on the EIT/ TCC Boards. Currently the same representative serves on the EIT Executive Committee and the TCC Board of delegates, as the municipal representative for the CLSD. West Cornwall Supervisor Frank Dombrowski and Virginia "Ginny" Minnich of Mt Gretna Boro, the new representatives, will be starting July 1<sup>st</sup> .

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**CLSD Municipal Representative for EIT/ TCC Boards (con't)**

**MOTION** was made and seconded to appoint Frank Dombrowski, West Cornwall Twp as our representative and Virginia “Ginny” Minnich of Mt Gretna Boro as the alternate representatives for the EIT/TCC Boards. Motion unanimously carried.

**B.) Follow Up on Old Ebenezer Rd/ Tunnel Hill Rd Intersection**

A response from PADOT was received in regards to the intersection at Tunnel Hill Rd and Old Ebenezer Rd. A letter, dated June 9<sup>th</sup> indicated a review of the intersection was completed. Placement of 2 larger STOP signs (36”x36”) and stop lines will be installed as soon as the materials are acquired.

**SOLICITOR’S REPORT – Frederick S. Wolf****A.) Fisher, Marks, Mase Zoning Amendment Petition – Set Requirements**

Sol Wolf reminded the Board that some time ago a Zoning Amendment request had been received from Fisher, Marks and Mase pertaining to an area located off the east side of Water Street and just south of the Rockwood area. A meeting had been held recently with the applicants, Twp Mgr, Suv Brensinger and County representatives to discuss the application. The applicants were asked to provide some information pertinent to the request. A date for a public Hearing will not be scheduled until the pertinent information has been received and reviewed by the Twp. The request will be placed on hold until the requested information is received by the Twp.

**B.) Termination of Kreider Agreement**

The Kreider’s attorney has provided a right-of-way agreement to the Twp in regards to the corner property located off Tunnel Hill Rd which was recently purchased by the Kreider’s son. This right-of-way will be used in consideration of the trucks turning radius when traveling to the chicken farm owned by Mr. Harold Kreider. Kreider’s attorney provided the verbal portion of the agreement but had not provided the print of the property which is the exhibit required for the right-of-way. Until the print is provided to the Twp, this issue will be tabled.

**C.) Rockwood Sewer Project – Joint Meeting with Municipal Authority & Swatara Twp; May 23<sup>rd</sup>****1. Joint Meeting w Authority & Swatara Twp held on May 23<sup>rd</sup>**

Sol Wolf informed everyone that a meeting had been held on May 23<sup>rd</sup> with the NLT Municipal Authority, NLT Board of Supervisors and the Swatara Twp Board of Supervisors. The purpose was to discuss what the next step would be now that the H<sub>2</sub>O Grant has been awarded. It has been determined the award of \$912,000 will be accepted. The Authority will also re-file with PennVest for funding. The NLT Municipal Authority will own and operate the system once it is installed.

**2. Lebanon County Redevelopment Authority Public Hearing for Rockwood Project  
July 18<sup>th</sup> @ 6:30 PM (Prior to regularly scheduled Board Meeting)**

Sol Wolf informed the Supervisors and the public about a Public Hearing which is scheduled for July 18<sup>th</sup> at 6:30pm here at the Twp building, prior to the regularly scheduled Supervisors meeting, and will be in regards to the Lebanon County Redevelopment Authority Block Grant for the Rockwood sewer project.

**D.) Request from Landmark to Modify ARD Ordinance**

Landmark has requested that the Twp accept the streets in the proposed Crossings At Sweet Briar Community as public. A revision to the ARD Ordinance should be reviewed and Landmark is suggesting the Ord be modified to read that the Board of Supervisors should decide on an individual case by case scenario when determining whether or not to accept streets as public or private in an ARD. Sol Wolf will be drafting a proposed revision to the Ordinance to be reviewed by the NLT Planning Commission and Lebanon County Planning for their recommendations. A Public Hearing will then be scheduled.

**E.) Resolution No. 11-2011 – Tel Hai; Conduit Financing**

Sol Wolf reviewed the numerous times in the past that the Municipal Authority had agreed to act as a conduit for various agencies. The Authority has been contacted by Tel Hai, West Chester about acting as a conduit for their retirement community. The Authority has adopted a Resolution to act as the conduit for Tel Hai. The Authority and the Twp are not held financially responsible for any loans in the Tel Hai name. The Authority will receive a onetime amount for acting as the conduit. Part of the process is that the Twp must also adopt a Resolution. Suv Brensinger stated he knows the Authority and the Twp are not financially responsible. He questioned how many times the Authority is able to provide this service. Is there a limit to how much the Authority can act as conduit for? Sol Wolf stated there is a cap on the financial limit but the Authority is nowhere near the limit.

**MOTION** was made and seconded to adopt Resolution No.11-2011 authorizing the Authority to act as conduit for Tel Hai Community. Motion unanimously carried.

**F.) Property Violation – 1971 Water Street**

Sol Wolf reported he, Suv Brensinger and Mgr Grumbine have been reviewing a situation at 1971 Water Street where block walls were constructed in the Twp right-of-way and no permits were applied for when the walls were constructed. They have been trying to get the property owner to correct this situation, as directed by the Board at a previous meeting. A letter, composed by Sol Wolf, had been sent to the individual's attorney instructing his client to remove a portion of the walls. Sol Wolf received a phone call from the other attorney stating his client would begin work the end of this week. However when Sol Wolf questioned if his client had contacted Roadmaster Brensinger, as the letter directed, he was told no. Sol Wolf replied that contact must be made with Roadmaster Brensinger before his client begins work on anything. He told Suv Brensinger that he should be receiving a phone call from the individual in the next day or so.

**COMMENTS FROM BOARD MEMBERS****A.) Suv Miller – Reazer Junkyard Renewal**

Suv Miller reported that Reazer's Junkyard has submitted application and fees to renew the Junkyard license for 2011. The inspection has been completed for the property and a verbal inspection report given to move forward with signing the 2011 license.

**MOTION** was made and seconded to authorize the signature on the 2011 renewal license for Reazer's Junkyard. Motion unanimously carried.

**B.) Suv Brensinger – Franklin Strack**

Suv Brensinger stated that Franklin Strack has passed away. Mr. Strack had served, previously, as a North Lebanon Twp Supervisor and Road Master for many years. Suv Brensinger wished to extend his respects to Mr. Strack and his family.

V-Chm Miller 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