

**MINUTES  
NORTH LEBANON TOWNSHIP  
BOARD OF SUPERVISORS  
AUGUST 15, 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
Edward A. Brensinger	Treasurer
Cheri F. Grumbine	Township Manager
Harold L. Easter	Chief of Police
Frederick S. Wolf	Township Solicitor

Absent: Richard E. Miller Vice – Chairman

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.) Bobby Gearhart; Land Development Plan Godshall/Kratz – Weavertown Road**

Mr. Gearhart displayed the plans for an addition to the current structure located at the Bologna plant. In order to house updated equipment it became necessary to construct additional space to house the equipment. There are no new employees being taken on and there is not expansion to the business being planned. He described the trenches that are being proposed for the stormwater control. Chp Artz questioned if the system being proposed is an approved system. Gearhart explained the change in thinking in regards to water control. He said the theory is now to capture and infiltrate the water runoff as much as possible. Water quality is also a big concern due to the Chesapeake Bay situation. Suv Brensinger questioned if this was a good idea to infiltrate with the limestone soils in the area. The Board discussed the various types of infiltration systems and the benefits of the systems. Mr. Gearhart explained some of the considerations used when suggesting these different systems. Additional discussion was had about the stormwater and the Leffler development located in this area.

A recommendation for approval was received form NLT Planning Commission, as well as a letter of approval from Lebanon County Planning Department.

**MOTION** was made and seconded to approve the submission for the Godshall/Kratz Land Development Plan located on Weavertown Rd and N 15<sup>th</sup> Ave. Motion unanimously carried.

**B.) Laura Shemick w/ Alley Cat Allies Network; Proposed “Trap-Neuter-Return” Ordinance**

Ms. Shemick explained she was present to offer a solution to the feral cat problem which keeps surfacing in NLT. The habits of the feral cat must be understood before trying to control the situation. Shemick told the Board that shooting, poisoning and killing them is not effective. Her solution is to talk to and educate the people who are having a problem with the cats. A draft of an ordinance was provided to the Supervisors to review. A lengthy conversation was held between Ms. Shemick and the Supervisors. She explained the process of the trap, neuter and return program.

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**Laura Shemick w/ Alley Cat Allies (con't)**

Suv Brensinger asked if he understands that she is volunteering her time to try to control this cat situation that has been brought to the recent meetings. Ms. Shemick replied she is volunteering her time to educate the people and follow through with the “trap-neuter-return” program, at no cost to the Twp. Chm Artz told Ms. Shemick that they will provide the names of the individuals to her so she can contact them directly and thanked her for her interest.

**C.) Glen Kreiser – Previous Meeting Minutes**

Mr. Kreiser questioned the portion of the July meeting when 8<sup>th</sup> Ave and Canal Street was discussed regarding the weed situation. Kreiser asked the minutes be read to him. He asked that the minutes reflect he had first questioned if the Twp had a weed ordinance and he had been told it is 6” (inches) in height. Kreiser next told the Board he took the time to measure the weeds and got the measurement of 5’ 11”. Kreiser stated that he thinks the Twp needs to address this violation because it creates a hazard when entering onto Canal St from 8<sup>th</sup> Ave. Chm Artz stated he would like to personally review the area Kreiser is talking about as he is not familiar with the area.

**D.) Francis Sahonic – E Cumberland St**

Mr. Sahonic was present to discuss the water situation in his neighborhood. The water runoff continues to flood his basement and yard. Sahonic claims physical damage is being done to his home’s structure because of the continuing water problems. He would like to know what is going to be done to resolve this continuing problem. Chm Artz asked Suv Brensinger to discuss this subject.

Suv Brensinger explained he had been in the neighborhood 2 weeks ago, after the heavy rains, to speak to the neighbors. The railroad company had already placed equipment in the neighborhood for cleaning out the pipe. Suv Brensinger got word from the workers on site. He was told they were given orders to cover the pipe up again and cease work on this project. That means there is 5’ of soil on top of the pipe.

The inlet Mr. Sahonic is referring to, the pipe that goes under the railroad tracks, and the outlet on the other end of the pipe are all located within South Lebanon Twp. At this point he does not have any idea what North Lebanon Twp is supposed to do about this problem. Suv Brensinger questioned the railroad employees about why the pipe was placed there in the 40’s in the first place. It was placed there to transport the water from the north side to the south side of the railroad tracks. At some point in time someone, on the south side, had decided to cover up the pipe and stop the flow of the water to the south side of the tracks. The employees told Brensinger that the railroad company does not wish to become involved in a lawsuit with the property owners on the south side when their properties get flooded. Suv Brensinger reminded the railroad employee that the people on the north side are being flooded now. Where does that leave the Sahonics, asked Suv Brensinger? It now becomes a legal question. Should the Twp be responsible for helping them in a legal battle? The Twp Manager and Road Foreman from South Lebanon Twp are aware there are water problems on the north side. A possible meeting has been discussed with the SLT Manager and the Road Foreman. The South Lebanon Foreman had visited the area and took pictures after the latest rainfall.

**Sol Wolf** stated it is important to get a meeting scheduled with South Lebanon Twp. Mr. Sahonic said he was told by South Lebanon that a meeting was held. Suv Brensinger stated that as of this date there has not been any meeting.

**Water Problems – Old Cumberland Street (con't)**

North Lebanon is not able to take this issue to task as the problem is located in South Lebanon. Another issue is the railroad company and getting permission from them to open the pipe under their tracks. The last resort is to go to the courts for a court order.

Sahonic and Suv Brensinger discussed the physical changes in the neighborhood in recent years. Some houses had been removed and Ebersoles had been constructed. Mr. Sahonic pointed out the dangers they are facing, concerning their structure, the longer this water situation continues. Suv Brensinger said the railroad company has a problem either way you look at it, south side and north side of the tracks.

Suv Brensinger suggested a larger gas powered pump needs to be in place should a heavy rainfall occur until this situation is resolved. This would be a temporary solution until this issue gets movement from all parties involved. Suv Brensinger said he would research getting a larger gas powered pump for temporary use until this situation is resolved for the Sahonics. Chm Artz stated that the Board will continue to try to get a meeting scheduled with South Lebanon. Mr. Sahonic asked that he be kept informed of any changes.

**Sandra Earhart – Old Cumberland St**

Ms. Earhart told the Board she is in disagreement with Suv Brensinger's comments about the Ebersole lot. The height of the lot on the southwest corner was raised when the car lot was constructed. She thinks the water is definitely coming off that lot. In previous years the lot had been flat and level. She told the Board she has been having flooding too and it is has been the last 3 rain storms that have been the worst.

**APPROVAL OF MINUTES**

**MOTION** was made and seconded to approve minutes from the July 18, 2011 Supervisors' meeting contingent on the remarks from Mr. Kreiser being reflected in the current minutes of this meeting. 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.

**CHIEF OF POLICE REPORT – Chief Harold Easter****A.) Calls for Service – Month of July**

Chf Easter reported on the activities for the month of June. There were a total of 641 Police-Citizen contacts in the month of July.

**TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine****A.) (ASA) Ag Security Area Renewal**

As directed at the July Board meeting, Mgr Grumbine has obtained large Twp maps for the Ag Security Committee for use during their review for the renewal of the ASA. Chm Artz had contacted the committee members to confirm their interest in serving on this Committee and to discuss getting the renewal process started. Chm Artz told Mgr Grumbine that he was in contact with the Chairman of the Ag Advisory Committee and the group will be starting to move on this renewal project.

**B.) Duplication of Street Name – Along Rte 72 (W Maple St)**

This item had been tabled in July in order to allow the Board more time to review the address issue. The issue has to do with the duplication of W. Maple Street addressing for a portion of Rte 72 through the Pansy Hill area, as well as the four properties located on the street named W Maple Street (off N 22<sup>nd</sup> Street). The Board had indicated they were unsure which direction to go; the businesses along W Maple St or the 4 or 5 residential along the lower street.

Chm Artz said he would be more comfortable contacting the business property owners and getting their opinions on having their addresses changed to Rte 72. Discussion was held on the various names for the area and the Board indicated they preferred N Rte 72 addresses for this area. Chm Artz requested Mgr Grumbine contact the business property owners and explain to them what is being considered and to get their feedback on this issue.

**C.) Park & Recreation Agreement – The Crossings @ Sweet Briar – Phase 1**

This item was also tabled in July to allow Sol Wolf time to review the MPC regulations to determine if the developer can agree to allow the recreation fees to be used for various park & recreation maintenance expenses. Sol Wolf has provided the Board with an email outlining his recommendation, which has been provided to the Board.

Chm Artz asked if he understands that DCED gets involved in overseeing these funds. Sol Wolf discovered it is statutory that the fees be used as outlined in the MPC. To establish any type of special agreement with the developer for the fees to be used for maintenance, DCED's approval must be obtained first. Sol Wolf said he would review this issue with Sheila, Ass't Manager. Suv Brensinger stated this would be an issue that PSATS could get involved with as far as the Harrisburg legislature.

**MOTION** was made and seconded to approve the Parks & Recreation Agreement as presented by Landmark for The Crossings at Sweet Briar Ph 1. Motion unanimously carried.

**D.) CLSD Regional Comp Plan Update**

Mgr Grumbine provided to the Board a memo outlining the issues discussed at the regional comp committee meeting of August 4<sup>th</sup>. The Committee is meeting semi-monthly for August and September. The next meeting is being held on August 18<sup>th</sup> and then will meet September 1<sup>st</sup> and 15<sup>th</sup>. All meetings are held at the South Lebanon Township municipal building and commence at 6:00 PM.

There were 3 areas in North Lebanon Twp that the Committee is looking to receive comments pertaining to the current zoning as far as best use. She told the Supervisors that Charles Allwein, Planning Comm member, and Earl Roberts, Twp resident were in attendance tonight and could also offer comments. These are suggestions to show on future land use map. The zoning is not to be changed at this time.

1.) The area along Rte 72/Heilmandale Rd (Hershey Bare tract) is suggested for maybe a different category such as Ag, Low Density Residential, Mixed Use Residential, Light Industrial/Office or Office Park Campus. This area is currently zoned Industrial.

The Board voiced that they would be in agreement to the Light Industrial/ Office or Office Park/Campus. They were in agreement that the Twp has enough Residential to offer.

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**CLSD Regional Comp Plan Update (con't)**

2.) Pumpkin Ridge area located off Prescott Dr/ Rte 422 and is currently zoned Industrial is the second area. There are no utilities currently available. In considering what zoning is surrounding the property there are a number of categories that would fit.

Suv Brensinger said this area would be prime agriculture. Although, he thinks, it is difficult to get back to Agriculture once land has been zoned Industrial. Mgr Grumbine asked for a preference to show on the future land use map. She explained that the zoning is not actually getting changed. It is merely shown on a future land use map. Discussion followed pertaining to the property in question.

Earl Roberts offered that there are properties surrounding the land that are zoned for agricultural already. The Committee is looking for what would be the “best fit”. He remarked on a comment made by Jeff Steckbeck, at the beginning of this process, pertaining to property owners or potential purchasers expecting to have the right to continue the same use of the lands as when the property was purchased and to “fit in” with the use of the surrounding properties.

Both Suv Artz and Brensinger agreed to show this land as Agricultural would make the best fit.

3.) The 280 acre Smutzy property located between Jay Street and Rte 72/ Maple St is the third tract of land being questioned. Due to all the unknown characteristics of this property it has been felt that Ag would be the best category.

Suv Brensinger asked if any mention was made of a “brown field” site. He was told no. Earl Roberts reminded the Board a part of this property is located in Lebanon City and is a part of a tax relief agreement. After some lengthy discussion the Board indicated their preference for this property to remain as Ag.

**Potential Requests for Zoning Issues**

Mgr Grumbine spoke about the 3 possible zoning issues that could come before the Board. Fisher/Marks/Nace property located on Water Street; the potential site for Tenaska to construct a power plant; and the property Jay Horst purchased from George Heist located off Old Ebenezer Road. These 3 situations are possibilities that have been discussed at one time or another at various meetings. She wanted to remind the Board about these properties. These areas would also appear on the future land use map for the Twp.

Earl Roberts voiced his concern about the purpose of the Comprehensive Plan. Does this mean any individual could express a desired use different than what it is zoned? Does it mean the property owner could request any kind of use and it could appear on the Comprehensive Plan? Or is the purpose to preserve a particular land for a specific use? He said this is a question he feels is very basic. His understanding is that the Comprehensive Plan can be a legal argument regarding a request. Suv Brensinger stated he thinks the zoning comes into play, whether or not the request would be permitted. He then said he thinks Mr. Roberts’ question would be one for Michelle Brummer. Roberts said he did have some dialog with her on this issue.

Sol Wolf shared his opinion that if a Municipality has an approved Comp Plan, the plan is referred to when making decisions regarding zoning requests. He told Roberts his question is a legal question.

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**Potential Zoning Issues (con't)**

Should an individual ask the Twp to consider their potential future request while working on a proposed Comp plan? It is something that is a legal issue. Roberts said he feels it is a question that needs to be answered and he will continue to ask it during this process. He feels this plan should be about preserving the character of the area with consistent land use.

Mgr Grumbine explained that she had suggested to Mr. Horst, in Oct of 2010, to delay filing his Zoning Amendment request until after the Comp Plan was adopted. She had told him the Board would not make a decision about rezoning lands from Commercial until the new Comp Plan was adopted. She then explained the spreadsheet which Michelle had created showing the zoning classifications currently existing in the 5 municipalities. Also shown is the total amount of areas in each category. Also broken down are the amount of existing developed area in each category by municipality and the amount of area remaining for potential development. This is where the opportunity comes in for sharing classifications between the municipalities. Mgr Grumbine continued on to discuss some of the various classifications of zoning which the Board must review and make some decisions. The sharing within the municipalities or if staying within NLT Twp, it must be decided whether or not to designate, on the future land map, some of the lands already zoned in a different category. These are some of the decisions that must be made while reviewing the current map for our Twp. These decisions will be very important as it will affect future decisions as requests are made to the Twp in regards to zoning and property usage.

Mr. Roberts stated that we should take a serious look at any other areas within the Twp that might be important for review. Mgr Grumbine agreed asking the Board if they have any other concerns about some areas for review. One area she can think of is the Industrial lands belonging to Jon Leffler. At one point in time Mr. Leffler had discussed Office/Institutional as he had felt the lot sizes did not quite meet the needs of Industrial zoning. Suv Brensinger said he agrees this area should be added to the notes on the land use map.

Mr. Roberts said he wanted to mention that Michelle is very actively asking for any and all input concerning the lands and anything else that anyone might want to share or review. She has repeatedly asked for any concerns from the municipalities or any comments from the public in regards to anything related to this very important issue of land use. Suv Brensinger mentioned the Bicycle Trails and the Rails to Trails committees and their active involvement in many of these processes which will affect their causes. This is what is needed to be done to get the work accomplished. Mr. Roberts and Mgr Grumbine both were in agreement that Michelle is doing an excellent job of trying to involve the public in this process.

**E.) Pertinent Issues**

1.) GLRA Invite - As a reminder the Board has been invited to the GLRA Annual Hot Dogs & Hayrides on the Landfill to be held Tuesday, September 6<sup>th</sup> at 6:00 PM at the GLRA Maintenance Building. RSVP is requested by Friday, Aug 26. Suv Artz and Brensinger both requested that Mgr Grumbine respond that they would be in attendance.

2.) Transportation Impact Study Comment Sheet – The Board has received a copy of PaDOT's latest round of comments regarding the Transportation Impact Study for the Lebanon Rails Business Park. This information is being provided to the Board for your information only at this time.

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**PADOT Traffic Study (con't)**

TIS Comments #1 and 3 relate to intersections in North Lebanon Township. PADOT required several other intersections be included in the TIS.

**Bruce Sattazahn** mentioned the dusk to dawn lights located at the intersection of Tunnel Hill Rd/ 22<sup>nd</sup> St/ Hill Street. This issue had been raised early in the year. Sattazahn noticed that the lights still are not working properly. Mgr Grumbine replied she had spoken to Susan at the LVEDC a few times and each time C.M. High was contracted. She stated she will contact Susan again.

3.) Don Steiner, Sr. was contacted by the Lebanon Daily News regarding the Knox Box Ordinance/ Program. The LDN will feature the City of Lebanon and North Lebanon Township's Knox Box Program in an upcoming article. This is just for informational purposes for the Board.

4.) Bridge Inspection – Bill Wilson and Roadmaster Brensinger will be inspecting the two local bridges located in North Lebanon Township on Friday, Aug 19. The County of Lebanon contracts with a consultant bi-annually to perform inspection on bridges located throughout Lebanon County with a clear span greater than 20'. Those bridges that are smaller are the responsibility of the individual municipalities to inspect. In the past we have used the same engineering firm selected by the County to also perform our 2 bridge inspections. Upon completion of the inspections Mr. Wilson will sit down with Roadmaster Brensinger and Mgr Grumbine to review the reports with us. This information will be reported to the Board at a subsequent board meeting.

5.) Contracts from Rettew have been received for the 2 projects: the flashing amber lights at Kochenderfer Rd/ Kimmerlings Rd and 7<sup>th</sup> Street and the 15<sup>th</sup> Ave/ Rte 422 pre-emption device install. Mgr Grumbine asked the Board to sign the documents after the meeting this evening.

6.) New Boiler – The 2011 Budget shows a replacement for the existing boiler. Dave Strohm has provided drafts of some specs. She is asking the Board to approve advertising of the Bid Specs so the Board can award a contract at our September meeting.

**MOTION** was made and seconded to advertise for a new boiler replacement at the municipal building. Motion unanimously carried.

7.) The Recycling Building area located on the Twp grounds had been brought up at a previous meeting in regards to the tight area for traffic flow. Mgr Grumbine had asked the Safety Committee to review and give their opinions on a mirror install to assist the Police and others when traveling through the area. The Safety Committee had indicated that they would prefer to stay away from any type of mirrors due to vandalism problems. The recreational area is located so closely to this area that the vandalism would probably be an ongoing problem. A frequent reminder about the tight traffic area to the employees during the regular quarterly meetings was mentioned. Suv Brensinger also added that a painted yellow line might be helpful to keep obvious traveling lanes.

8.) Annual line striping was discussed. Suv Brensinger said he needs to solicit quotes for line striping. He has not completed this task yet but would like to get permission to solicit for the quotes and then authorization to go with the lowest bidder. He has a list of contractors he typically works with and will be soliciting through these same vendors. This is the required method outlined in the Twp Code.

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**Annual line striping (con't)**

**MOTION** was made and seconded to solicit quotes for the annual line striping and proceed with the lowest bidder. Motion unanimously carried.

9.) A new wheel loader was also listed in the 2011 budget. This will replace the current wheel loader the Twp is using. Suv Brensinger has narrowed it to 2 manufacturers, Volvo and John Deere. His preference is to continue with John Deere although it is priced higher. He has not had the opportunity to compare the two to determine if all options are an even match. After making that comparison, he would like to have the approval to place the order for the new equipment before the next scheduled meeting.

**MOTION** was made and seconded to approve the order of a new wheel loader after receiving the best possible quote for the equipment. Motion unanimously carried.

10.) Sale of the used loader is the next issue. Several municipalities have expressed interest in the opportunity. If no reasonable offers are received, the other option is to list with Municibid. Mgr Grumbine is asking for approval to list with Municibid if necessary.

**MOTION** was made and seconded to authorize the advertising of the old loader on Municibid if necessary. Motion unanimously carried.

**SOLICITOR'S REPORT – Frederick S. Wolf****A.) Rockwood Sewer Project Update**

Although the Authority received H<sub>2</sub>O funds, the Authority has been turned down by Penn Vest twice. Sol Wolf explained the point system Penn Vest uses when making their determination of who the funding is granted to. Loans secured through a bank may become necessary. The needed right-of-way designs are being worked on by the Authority Engineer. Once the financing is decided, a draft of an agreement between Swatara Twp and the Municipal Authority will be completed. The Board will receive a copy to review. At some point in time another joint meeting will be scheduled.

**B.) Joint Meeting with Supervisors - November**

A joint meeting is being scheduled for the Municipal Authority and the Supervisors to discuss several common issues they have such as the Authority budget. A possible date will be in November.

**C.) Draft Revisions to ARD Ordinance Language RE: Private/ Public Streets**

A draft of the ARD Ordinance has been provided to Mgr Grumbine. The Planning Commission and Lebanon County Planning will be asked for comments on the Ordinance. The question of public versus private owned streets is one of the first issues to be resolved when an application is received. A plan or design will be required to be submitted with the initial application. Sol Wolf discussed some of the advantages to having the entire street system become public streets. Repair work for the future would have to be planned and budgeted for by the Homeowners Association and we have concerns whether enough money is being collected annually for this future expense. When the time comes for repair work what happens if there are no funds there. He told the Board this is a question they might want to consider, that it is a requirement for all future ARDs be required to have public streets.



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**D.) Research on Ordinance for Cats**

This subject was discussed at the last meeting. The Ordinances that are available refer more to boroughs or confined areas. It is hard to try to control cats running at large in open areas, such as Ag areas. To try to adopt an Ordinance would be placing a burden on the Police Dept to try to enforce an Ordinance. The program that was outlined this evening by Laura Shemick seems to be a more appropriate route to go with this issue.

**E.) Termination of Kreider Agreement**

This topic has been on the agenda for many months. The chicken farm located off Tunnel Hill Rd has had access issues to overcome. Since that time the real estate on the corner of Tunnel Hill Rd has been purchased by the Kreider's younger son. The lane to the farm runs along the side of this property. A permanent right-of-way has been drafted, signed, and recorded which now takes care of the problem for trucks turning into this private lane for transport to the farm. Sol Wolf told the Board a formal motion should be made at this time to void the previous flagging/traffic agreement with Harold Kreider.

**MOTION** was made and seconded to rescind the original Kreider agreement regarding truck traffic to the chicken farm. Motion unanimously carried.

**COMMENTS FROM BOARD MEMBERS**

The Supervisors had no comments this evening.

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