

**MINUTES
NORTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS
MAY 16, 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.

Chm Artz 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.

COMMENTS FROM THE PUBLIC

A.) Michelina Gahagan – Sherri Dr; Ord on Animals

Ms. Gahagan started her comments by providing the Board with information on feral cats. She wanted to address the Board regarding a visit she had from Lt. Wengert on May 5th. Lt. Wengert had spoken to her about the feeding of feral cats in the neighborhood and the Twp Ord prohibiting this action. He also explained the possibility of fines should Ms. Gahagan choose not to stop the feeding of the wild cats. Ms. Gahagan told the Board she is afraid the cats will starve if she does not feed them. She stressed they do not belong to her and they are wild cats. Ms. Gahagan appealed to the Board to allow her to continue feeding the cats as she has done for the last 10+ years. The Humane Society and the various animal organizations do not want the cats brought to them as they are feral cats not domesticated.

Suv Artz asked Ms. Gahagan if she was aware that her actions were against the Twp Ordinance. She replied she did not at the time she was doing the feeding but Off Wengert has since informed her about the Ord. Ms. Gahagan again told the Board she is fearful the cats will starve if she does not feed them because the farmers do not care if they are fed or not.

Corrine Graff, Gary Irwin, Kay Mihalek, Steve & Holly Fiorentino – All Sherri Dr Residents

Five of the neighboring property owners were present to discuss their issues with Ms. Gahagan feeding the cats. The neighbors are having problems with the damages being done by the cats. Each of the neighbors voiced their various problems with the cats. The cat dirt, destruction of their landscaping, tracking dirt over their vehicles while parked in their driveways and scratching at the pool liners are just a few to mention. The neighbors reported that they have all tried to reason with Ms. Gahagan about the problems she is causing the other property owners by feeding the cats. Her response has always been to offer suggestions of what they can do to protect their properties against any damages. The cats no longer just pass through the neighborhood. They have now centralized in the neighborhood and will not leave due to Gahagan's actions. The neighbors voiced that they are now tired of this whole issue and want Ms. Gahagan to obey the ordinances pertaining to this issue.

Sol Wolf explained the Twp has an adopted Ord on this issue since 2009. Due to complaints received the Code Enforcement Officer responded to the area to review the situation.

Ord on Animals (con't)

Officer Wengert has determined that a violation was taking place and explained to Ms. Gahagan the ordinance and what would happen if she persists in violating the ordinance. Should she continue to violate the ordinance the Twp has the right to pursue with the District Magistrate. Ms. Gahagan has the right to appeal the issue with the District Magistrate. However a final decision will be rendered by the District Magistrate.

After some discussion about the trapping of the cats and what could be done with the animals, the Board offered what they considered to be a resolution. Each property owner was asked to make use of traps to capture the animals. When surrendering the animals to the Humane Society, the Twp will pay the applicable fee to the Humane Society. Suv Brensinger suggested the Twp would supply the Humane Society with a specific list of names of the people who would be bringing the trapped cats to them. The property owners present were agreeable to this solution. Sol Wolf mentioned an agreement must be secured that the feeding of the cats will cease. Ms. Gahagan agreed she will not attempt to resume the feeding of the cats.

Martin Barondick stated his displeasure about the Twp paying for the neighborhood's cat problem. He told the Board they are setting themselves up for a precedent concerning future cat problems. Suv Miller said he disagrees. The Board is trying to resolve this particular cat issue.

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

Sol Wolf opened the hearing by explaining there are 3 different Ordinances the Board of Supervisors are considering tonight. All 3 have been advertised and proof of advertising has been received in accordance with the law. Copies of all the Ordinances were available for review in the main office at the time of the advertising. In consideration of Ord 2-2011, The Airport Hazard Overlay Area, letters have been mailed to the affected property owners and the properties have been posted accordingly. Sol Wolf stated he would review each Ordinance, the public will have the opportunity to ask questions and then the Board will have the opportunity to comment and discuss each ordinance. The Supervisors will then be asked to act on the Ordinance.

Ordinance 2-2011; Airport Hazard Overlay

Sol Wolf explained this ordinance is part of a State mandate in conjunction with airport areas. The Deck Airport which is located in Myerstown affects a small corner of North Lebanon Twp property owners. Sol Wolf stated the Ordinance is being put into place to protect any airplanes taking off and landing. It will restrict the heights of any structures within the overlay area. Existing structures are not affected by this Ordinance however any new structures will have to follow the guidelines established by this Ordinance. As Lebanon County Planning issues permits, it will be that office that will determine any restrictions within this Ordinance.

Jon Fitzkee, of Lebanon County Planning Dept is present to explain this Ordinance which several other municipalities have already adopted. Mr. Fitzkee stated that Act 164 (1984) outlines areas that have airports and various areas around the airports that are affected by this ordinance and the Bureau of Aviation regulations. A small portion in the southeast end of North Lebanon Twp is in a conical area of the Deck airport. Jon stated that any existing structures are "grandfathered". Also the Twp already has a height restriction of 35' for structures. Should anyone wish to construct a structure higher than the regulation there is a process that can be followed to gain the permission for that type of permit. The Bureau of Aviation created many of the regulations found within the Ordinance and permitting restrictions.

Dick Boeshore – Prescott Dr/ E Cumberland St

Mr. Boeshore owns 2 different properties affected by this proposed Ordinance. He wanted confirmation that existing structures are exempt from these requirements. Jon Fitzkee confirmed his statement.

Ordinance 2-2011; Airport Hazard Overlay (con't)**Kenelm Shirk – Attorney for Green Acres Mobile Home Park**

Attorney Shirk told the Board he is present on behalf of his clients who own the Green Acres Mobile Park. He pointed out a particular section, 2405, which refers to permits for alterations to existing structures. The Ordinance specifies a particular process that must be followed by applying to the Bureau of Aviation. Attorney Shirk stated his opinion that the Zoning Enforcement agency probably would not be able to give the proper elevations for structures in this area. He voiced that this Ordinance has not been studied properly and the wording must be considered in the “literal sense”. Another clarification he would recommend is a definition of the word “vicinity”. He suggested this Ordinance is more complex than what is being portrayed here tonight. Existing structures are also affected by this Ordinance in his opinion. He is suggesting the Ordinance be studied and some of the language either is defined or removed from this Ordinance.

Suv Miller asked Jon Fitzkee about some of Attorney Shirk’s remarks. Jon stated he would not disagree with most of Attorney’s Kenelm’s remarks. Jon said he does not agree that the Lebanon County Planning Dept could not determine elevation. The County could determine elevation using the GIS program. A lot of discussion followed about elevations, heights and the regulations of structures, present and future.

Sylvia Mcendree – E Cumberland St

Ms. Mcendree voiced her concern about living in a 2-story house. Suv Artz and Miller both assured her that her current structure is not affected by this ordinance. Suv Miller stated his understanding is that this ordinance is simply trying to control anything being built which would interfere with the airplanes coming and going from the airport.

Sol Wolf spoke to Jon Fitzkee about his opinion of the language changes being suggested. Jon stated he did not think the verbiage would affect County Planning’s ability to interpret or enforce the ordinance. Sol Wolf then addressed the Board saying that if the Ordinance gets tabled for revisions to the verbiage, because it is a Zoning ordinance, it would have to be re-advertised for public hearing again.

MOTION was made and seconded to table action on Ordinance 2-2011 until Section 2405 is reviewed and/ or language is revised. Motion unanimously carried.

Ordinance 1-2011; Misc Updates to Various Ordinances

Sol Wolf read the various amendments to several existing ordinances. Some of the amendments concerned burning ordinance (declaration of drought conditions), Code Enforcement fees, peddling permits and motor vehicle code, which involved correcting some of the street names regarding snow routes.

Glen Kreiser – Shellie St

Mr. Kreiser questioned the change to the “no burn ban”. Sol Wolf explained the only change would be the addition of the word “County”. Kreiser explained his concern about the wording in the ordinance as it seems as if the Twp is giving complete control of the burning issue over to County. Wording should be added which specifies a drought condition or the word temporary should be added to limit the control that County would have over the burning issue. Suv Brensinger stated that he understands Kreiser’s concern. It is not the intention of the Board to turn control over to the County unless it is a temporary drought declaration or some sort of emergency situation.

Sol Wolf reviewed and read aloud the ordinances regarding open burning. Mgr Grumbine recommended verbiage that would state “only when the current conditions raise concern pertaining to the safety and wellbeing of the residents of North Lebanon Township”. Suv Miller agreed it makes sense to include verbiage that lists certain conditions/emergencies which cause concern about the safety of the residents. Suv Miller said that usually when a burn ban is enacted by the County, it expires within a certain period of time, such as 30 days. Sol Wolf said another option is to simply not mention the County in our Ordinance.

Ordinance 1-2011; Misc Updates to Various Ordinances (con't)

The discussion continued about time periods and meeting dates of the Twp Board and the County Commissioners. Suv Miller suggested that the County declaration will be enacted by the Twp unless the Board of Supervisors overturns the County declaration. Sol Wolf recommended splitting this into 2 different issues.

The first part being in regards to the drought declaration by the NLT Supervisors and the second pertaining to Lebanon County officials making a declaration for a temporary burn ban for a period of time which will enable the NLT Police Dept to enforce the Counties' declaration.

Suv Miller questioned the Code Enforcement portion of the update. His concern is that the actions taken against non-payment of code inspection fees needs to be stiffened to ensure the Twp receives payment without repeat appeals to the court system which incurs more legal fees for the Twp. Sol Wolf explained the procedure used to try to bring these non-compliant properties into compliance. Suv Miller referred to a current situation that allowed for a property to be occupied even though the inspection fees were not paid to the Twp. His concern is that the Twp receive what is outstanding before a property is occupied after having been condemned. Sol Wolf and Suv Miller discussed more precise language to insure payment receipt. Sol Wolf suggested that wording be added to reflect any outstanding financial amounts to the Twp will be subject to a lien on the property before any occupation of the property takes place.

Suv Miller questioned the wording concerning the Peddling regulations. He is confused by the wording which makes it sound like any peddling would be permitted by appointment only. Some discussion was held on the exact verbiage of the amendment which appears to have dropped some of the wording from the original ordinance. The concern expressed by the Chief of Police is that no one should be soliciting in North Lebanon Twp after dark, before 9am, or at any time on Sundays or Holidays unless by prior appointment.

MOTION was made and seconded to table Ordinance 1-2011 for review and revisions to portions of the Ordinance. Motion unanimously carried.

Ordinance 3-2011 – Earned Income Tax Agreement/Grumbine Plan

Sol Wolf reviewed the previous ordinance regarding this agreement between the overpaid/underpaid municipalities. The previous agreement was to be court approved. That process did not proceed according to the group's plan.

The ordinance before the Board tonight does not require court approval. The proposed process would involve legal action should any monthly payments not be paid. Another change is the 2% discount period which would be extended to cover any time the remaining balance is paid in full.

Martin Barondick – New Street

Mr. Barondick said he does not understand how this committee could try to get court approval and then when they did not receive court approval decide to move forward in another direction with this re-payment plan and do it without the court's blessing. Sol Wolf said there is nothing illegal about it. The committee asked for the court's blessing and when a question of jurisdiction came up they decided to move forward without having the court's input. It means instead of having a court order, the group will now have to file a suit if non-payment occurs.

Barondick next questioned if there is any person in Lebanon County who knows for sure what is going on with this whole EIT situation. He went on to voice his dissatisfaction with the executive sessions and the public's exclusion from those sessions. Sol Wolf replied usually executive sessions are called to discuss litigation issues and the regulations for these sessions are permitted in accordance with the law for open meetings. Barondick stated, in his opinion, this is the reason some people lose control and take matters into their own hands by using AK40s. Government policies cause them to lose control.

Ordinance 3-2011 – EIT/Grumbine Payment Plan

Martin Barondick questioned Mgr Grumbine why she, as the financial manager for the Twp, was not aware the Twp was being so grossly underpaid. Mgr Grumbine replied she had questions that were unanswered on the financial amounts for a year or more prior to the events that finally occurred. She had raised these questions with other Managers of Lebanon County during various meetings. As an example of predicting the EIT income, Mgr Grumbine asked if Mr. Barondick knew what 1% of the total income would equate to for everyone in attendance tonight. Having no response, Mgr Grumbine explained that this is the same position that the township is in when projecting EIT revenue. The township is not permitted to receive income information on residents in the township. In fact, when McKonly & Asbury performed their analysis of the years 2004-2007 the school districts needed to sign the required form for them to obtain the information from the Department of Revenue. Townships must base the EIT projects on collection history not actual income data. She explained that she has maintained a chart from 1990 to present showing the EIT collection history. She indicated that she had called the EIT Bureau numerous times over the years inquiring about our revenue and always received an answer from Mr. Foltz that seemed logical. For example, when Cleaver Brooks closed he indicated that we had a high number of residents that resided in North Lebanon Township that now lost their job, thus the EIT would be reduced. Manager Grumbine explained that Act 32 will become effective next year, which will enhance the reporting requirements. However, the tax collector is not permitted to provide specific income information to the municipalities. Currently we receive monthly reports from Keystone, which lists the dollar amounts received with an account number not an individual name.

Earl Roberts – E Kercher Ave

Mr. Roberts questioned the agreement being ratified. He asked if the Grumbine plan is part of this agreement for this ordinance. Sol Wolf stated yes the Grumbine Plan is included and approved by all parties that have signed. Any of the school districts and/or municipalities that have not signed the agreement will be involved in a litigation action brought by the signatures on the agreement. Mr. Roberts questioned what happens if one of the signatures on the agreement decides to stop payments. Sol Wolf replied it is the same as any other agreement that is signed and a party defaults, an action can be filed with the court.

Paul Schwab – Hunters Chase Lane

Mr. Schwab questioned the expenses of this whole process. He wanted to know what has been spent to date and how much will have been spent until this is all done? All the tax payers' dollars spent? He was told this year's budget reflects a \$15,000 amount for expenses, which would probably be used to cover attorney fees. Questions were asked about the audit that had been performed and who paid for this audit. The current EIT Board used existing funds for the McKonly Asbury audit. Another question was asked about Judge Kline asking for an additional audit being performed. Sol Wolf replied he cannot answer that question as he was not present during that hearing.

Larry Edris – Miller St

Mr. Edris expressed his frustration with this whole issue. He said it appears to him the Twp has absolutely no control over what happens with the EIT issue. He was told Act 32 has been enacted and will govern the process with the EIT revenue.

At this point in time Sol Wolf closed the Public Hearing. He summarized saying the Board has tabled Ordinance 1-2011 and Ordinance 2-2011 in order to review and revise some of the verbiage in the documents. Ordinance 3-2011 is before the Board for action.

MOTION was made and seconded to adopt Ordinance 3-2011 regarding the EIT agreement and the Grumbine Plan. Motion unanimously carried.

Chm Artz announced the Public Hearing portion of this meeting is now ended and the regular scheduled meeting will resume.

B.) Mike Wolfe – Lake Drive

Mr. Wolfe told the Board he is present to discuss his concern about the intersection at Old Ebenezer Rd and Tunnel Hill Rd and the lack of safety at this intersection. As his daughter lives in the corner home, he is at this location quite often. He also drives to work utilizing this route daily. The motorists do not obey the STOP signs and this creates a dangerous situation. He made suggestions for increased safety measures such as: white a white STOP bar, double STOP sign or a larger sized STOP sign and/or increased Police patrol. Another safety factor is while traveling west on Tunnel Hill Rd there is a sight problem created by shrubs on the corner property that should be addressed. Suv Brensinger agreed this intersection is a difficult one to travel. However it is one of many that exist. As Chf Easter is present he has heard the remarks and will look into the problem. Chm Artz told Wolfe the shrubbery he is talking about will also be reviewed for any possible action.

C.) Landmark – Paul Zimmerman & Scott Miller, Stackhouse Bensinger; The Crossings at Sweet Briar

Paul Zimmerman of Landmark Builders and Scott Miller, Engineer for the Crossings plan, were present to discuss the issue of private versus public streets for this proposed adult community and some related issues. Due to the request from Landmark to now have the streets declared public; several other issues have been discussed. Scott Miller spoke to the Board telling them he had met with the NLT Planning Commission a few times to discuss the sidewalk issue. He told the Board that the Commission felt strongly there should be sidewalks along both sides of Briar Rose Ave and along one side of each of the remaining streets then some of the walking trails could then be eliminated in certain areas. The main concern is that the residents have a walking area other than the use of the street to pass throughout the community. Also discussed was the issue of the maintenance for these sidewalks and walking trails. Scott told the Board that there are several issues which can be easily worked out as the planning process moves along however they really would like to get a feel for the Board's opinion on the issue of the sidewalks.

When Chm Artz asked what Landmark's reaction was to the Planning Commission's suggestion. Scott replied Landmark is fine with the Commission's recommendation however feel they would prefer to go back to what had been originally approved on the Preliminary Plan. The sidewalk would run along one side of Briar Rose Ave with some areas containing the Walking paths. Suv Brensinger asked where that leaves the use of walking paths in terms of being private or open to the public. Also who is going to maintain the paths? Scott stated the paths would be open to the public and be maintained by the HOA. In consideration of snow removal, the approved Preliminary Plan makes more sense.

There was some discussion on the designed boulevard entrance off Mt Zion Road. Suv Brensinger questioned if there was a specific reason for this type of entrance design. Miller replied that there was no particular reason other than visual and if maintenance problems would be created by the design, it can certainly be reviewed and re-designed.

Scott Miller told the Board that Landmark really is looking for an opinion from the Supervisors in regards to the sidewalk issue for this community. The Commission is suggesting more sidewalks and less walking paths. Landmark is suggesting following the original approved Preliminary Plan. The Supervisors are being asked to voice their opinion about what they would prefer to see. Suv Brensinger is suggesting the walking paths become public as well as the roadways becoming public.

When Suv Miller asked about the items listed on a February MEMO, Scott Miller replied that all the items listed in the MEMO can be dealt with by Landmark with the exception of the widening of the grassy strips, right-of-way area, between the sidewalks and the roadway. All the other items can be worked out during the planning process. Scott repeated they are looking for a direction from the Supervisors about the sidewalks.

MOTION was made and seconded to accept Landmark's request to approve the original approved Preliminary Plan except the streets will be public streets according to Twp specifications and sidewalks and walking paths will also be open to the but the Home Owners' Assoc will maintain the sidewalks/pathways and the boulevard entrance off Mt Zion Rd will be redesigned as a standard entrance. Motion unanimously carried.

The Crossings at Sweet Briar (con't)

Sol Wolf raised the issue of the ARD ordinance adopted by the Twp. This ordinance specifies the streets will be owned by the HOA and will be maintained by the HOA. Sol Wolf and Mgr Grumbine have decided the Supervisors should make a determination as to what they expect to see for future ARD communities in terms of the street ownership. After some discussion it was agreed the Board would like the option of determining public or private streets for each ARD community on a case by case process. Sol Wolf stated this amendment about the option for the street issue will need to be amended in the ARD ordinance.

APPROVAL OF MINUTES

MOTION was made and seconded to approve minutes from the April 4, 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

Although Chf Toby Gettler was not able to attend this evening he had provided the monthly report from all four Fire Companies for the first four months which Mgr Grumbine read to the public. There have been 1,074.28 hours provided by the volunteer firemen for emergency related calls.

CHIEF OF POLICE REPORT – Harold Easter**A.) North Lebanon Twp Calls for Service – April 2011**

Chf Easter reported an overview of activities for the Police Dept for the month of April. A total of 733 Police contacts were logged. The highest day for calls of service was Friday.

B.) Recognition of Award from Children's Resource Center of Central PA

Chf Easter informed the Board that one of North Lebanon's officers has been recognized by the Children's Resource Center which deals with abused and mistreated children. Det Dave Lauver has been recognized by the Resource Center for the work he contributes on this issue. The Supervisors appreciated this information being shared with them and asked the Chief to repeat their congratulations to Det Lauver.

C.) NLPD Policy Manual – Board Approval Requested

Chf Easter questioned the Board about the Policy Manual for the uniform employees. All three Supervisors agreed the manual is quite lengthy and asked to table action of the manual again this month. Suv Brensinger questioned if the Officers had the opportunity to review the manual and if they had any comments on the contents. Chf Easter stated the Officers do know the contents as they did the revisions and the department has already started following the manual. Chf Easter agreed to table the adoption of the NLPD Policy Manual.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine**A.) Projects Requiring PADOT Approval**

- 1. Flashing Warning Devices – N 7th Street approaches to Kimmerlings/ Kochenderfer Road**
- 2. Pre-emption Device – Rte 422/ N 15th Ave**

Mgr Grumbine provided an update on the Flashing Warning Device project. The Twp has received approval from PaDOT on the application and at their request Mgr Grumbine has signed the mylar, which has been forwarded to them. Rettew engineers will begin working on the bid documents.

Rettew is also working with PaDOT to obtain approval on the traffic signal permit modification to allow the installation of the 4-way pre-emption device at the Rte 422/15th Ave intersection. Approval from PaDOT is expected shortly. Because the township previously installed a 4-way pre-emption device at the intersection of Rte 72/Long Lane in 2011, our costs will exceed the \$10,000 bidding threshold per Township Code.

Pre-emption Device – Rte 422/ N 15th Ave (con't)

Therefore advertisement must be completed for this project per bidding requirements. In order to save costs associated with bidding, Mgr Grumbine has requested that Rettew include the 4-way pre-emption device with our flashing warning devices. The same contractors will be interested in bidding on both projects and we will save on engineering and advertising costs by combining the two projects.

Mgr Grumbine is asking that the Board authorize advertising both projects for bidding on the condition that the Solicitor and Roadmaster are satisfied with the bid documents when received from Rettew. Bid opening will be completed about 7-10 days prior to a regular Board meeting, so a recommendation can be made to the Board for awarding the contract.

MOTION was made and seconded to authorize bidding the 2 projects (flashing warning lights and the 4-way pre-emption device). Motion was unanimously carried.

B.) Mary Kreiser Plan – Kochenderfer Rd/R-1 Zoning

This plan illustrates a revision to the previously approved Subdivision Plan of Mary Kreiser recorded 10/5/09. The original approval authorized the creation of a new lot as depicted on said plan. The current proposal basically eliminates the new lot and reverts the subject lands back to one parcel. LCPD is recommending approval of the Plan. The Township Planning Commission also recommended approval at their May 9th meeting.

MOTION was made and seconded to approve the Mary Kreiser Plan. Motion unanimously carried.

C.) Pertinent Issues.**1. Regional Comp Plan Update; Milestone Meeting #1 June 16 @ 6:30pm – CCHS in LGI Room**

The first Milestone Meeting will be held on **Thursday, June 16** commencing at 6:30 PM at the CCHS in the LGI Room. The Committee for the Regional Comprehensive Plan has identified several key issues that will shape the future of the region:

- Growth in resident population, specifically student population
- Available land for business, residential or other land uses
- Land protection for agriculture, forestry and environment functions
- Transportation improvements to reduce congestion and improve safety
- Capacity of our water and sewer systems to serve current and projected development
- How to maintain or improve public services while streamlining costs.

The public is encouraged to attend as it is important for the future planning for the Township.

2. GLRA Annual Municipal Recycling Recognition

The Board has received an invite to the annual municipal recycling recognition and achievement awards program at the GLRA. The program will be held during the regular monthly board meeting on Tuesday, June 7 at 7:00 PM at the GLRA Maintenance Facility. Mgr Grumbine will be providing RSVPs for those that wish to attend. Chm Artz stated he would be attending.

3. Additional Part-time Person

Mgr Grumbine informed the Board that both part-time seasonal park employees have returned and are currently working at the parks. She continued on to explain the additional work which must be accomplished to satisfy MS4 requirements and street sign inventory needed for the new MUTCD regulations. Due to the additional work and the time constraints, Mgr Grumbine is asking for authorization to hire an additional part-time person to accomplish some of the additional work within the time constraints. The person being considered is a college student and will be working until they return to school in late summer.

Additional Part-time Person (con't)

Suv Brensinger discussed some of the inventory work which must be completed in a timely fashion. Mgr Grumbine pointed out that there was \$12,500 placed in the 2011 budget for MS4 projects. This person's salary would compute to approximately \$5000. After some discussion the Board indicated they were in agreement on this issue.

MOTION was made and seconded to approve hiring an additional part-time person to accomplish the additional workload this summer. Motion unanimously carried.

4. Entrance Walls Constructed off Water Street Property

Mgr Grumbine reminded the Supervisors of a situation on Water Street where entrance walls were constructed without having secured any permits for the construction. She stated the time limit has now expired that was listed in a letter, dated 3-04-11, to work out something with the Twp regarding the Twp right-of-way. She reported Ed Brensinger had met with this person, and his attorney, to discuss the hazard these walls create for the township. Mgr Grumbine is now requesting the Board to determine what their wishes are for the next step. Suv Brensinger spoke about his concerns for the location of this property and the hazard this wall could create for the Twp.

Sol Wolf suggested the Twp petition the court for an order to remove the walls from the right-of-way. Suv Brensinger questioned if we file against the owner or the tenant. Sol Wolf replied we will involve both the owner and the tenant even though the tenant was the one who completed the work. Sol Wolf suggested taking action against both the landlord and the tenant. Suv Miller asked exactly what we are asking the court to do. Sol Wolf replied we would be filing an equity action which would be petitioning the court to order removal of the walls from within the Twp right-of-way. A written notice must be sent to the individual and provide them with the date that the Twp would be filing the action. In the court petition, the Twp would be asking that the individual pay for all court and attorney fees associated incurred by the Twp in this action. A penalty would also be listed in the event the walls are not removed after a court order is given.

Suv Miller questioned if there have been prior situations such as this one. He was told yes. There have been a few. However the property owners have always complied with the Twp's requests. Suv Miller said his concern is that we conduct consistently in these situations.

MOTION was made and seconded to authorize Sol Wolf to compose a letter and send it to the property owner and the tenant informing them of an impending court petition concerning the Twp right-of-way violation. Motion unanimously carried.

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

The Twp had previously received a Zoning Amendment request from Fisher, Marks and Mase for an area located off Water Street. The Twp will now need to schedule a Public Hearing concerning this request. Sol Wolf has reviewed with Mgr Grumbine the current information provided which is not enough to move forward with. He and Mgr Grumbine will meet again to compose a list of information which they feel is needed before scheduling a date and time for a Public Hearing. The Board will be asked to review the list of items being requested. At this point the request is to change from Ag to Residential and a small portion to be zoned C2A.

These properties are located within the area of the proposed Rockwood sewer area. Any developing of the requested amendment area would be involved in this proposed sewer project.

B.) Termination of Kreider Agreement – Easement to be Prepared & Recorded in Spring

Sol Wolf reviewed the issue of the permanent right-of-way request for the corner property located at the lane which leads to the Kreider chicken farm off Tunnel Hill Rd.

Termination of Kreider Agreement (con't)

Kreider's son had purchased the property earlier this year and now provides enough turning surface for the trucks traveling back and forth to the Kreider chicken farm. To insure the future use of the farm regardless of who owns this corner property a permanent right-of-way was requested. Kreider's attorney is to draft the agreement for Sol Wolf to review. At this point in time Sol Wolf reported he has not received the drafted agreement complete with all the required information. Once he receives the draft of the right-of-way he will review and then provide for the Boards' information. As of now Sol Wolf is waiting to hear back from the Kreider's attorney. He plans to contact the attorney to keep this issue moving and get it accomplished.

C.) Rockwood Sewer Project – Update on Grant Applications

An award announcement was made in regards to the H₂O Grant application the Municipal Authority had applied to receive. Swatara Twp Board of Supervisors and the NLT Municipal Authority Board will be meeting on Monday, May 23 to discuss the next steps in this project.

Rockwood Sewer Project (con't)

The Board of Supervisors has been invited to attend this meeting if they wish to attend. A decision must be made as to whether or not it is feasible to move forward with this sewer project. There is a time limit on the Grant award being accepted.

COMMENTS FROM BOARD MEMBERS**A.) Site Visit – Avon Drainage Problem Area – April 20**

Suv Brensinger reported he and the other Board members completed a site visit to the Sahonic property in regards to the water problems the Sahonics had reported. He felt it was important the other two Board members see the problems that are being brought to them in the meetings. The entire Board discussed with the Sahonics some of the existing problems and what it is they expect to accomplish. This is an ongoing issue that will require some review and research as to what can be accomplished. Suv Miller stated he felt the visit was very worthwhile in order to gain a better understanding of what is happening and what might be decided on to try to improve this situation.

B.) Suv Miller – 8th Ave/Kimmerlings Rd/ N 7th St/ Kochenderfer Rd

Suv Miller suggested that an additional STOP sign on the existing STOP sign be installed at the intersections of N 8th Ave/N 7th St and Kochenderfer Rd/ N 7th St. This would be an additional safety feature as these intersections are so hazardous.

Another issue he witnessed was a Police cruiser exiting the Twp property on the lower macadam near the Recycling building. The Officer hit the siren several times to alert oncoming traffic of his car rounding the sharp corner. Suv Miller is suggesting that a convex mirror be installed somewhere at this corner so that oncoming traffic on the other side of the building might be seen by using the mirror while approaching this corner .

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