

**MINUTES**  
**NORTH LEBANON TOWNSHIP BOARD OF SUPERVISORS**  
**APRIL 22, 2004**

This specially scheduled meeting of the North Lebanon Township Board of Supervisors was held at 2:00 PM at the North Lebanon Township Municipal Building, 725 Kimmerlings Rd, Lebanon, PA with the following people present:

Kenneth C. Artz.....	Chairperson
Dawn M. Hawkins.....	Vice-Chairperson
Edward A. Brensinger.....	Treasurer
Cheri F. Grumbine.....	Twp Manager
Kim R. Wolfe.....	Chief of Police
Tom Harlan.....	Henry & Beaver, LLP

Also in attendance was: Jim Ryan of the Daily News, Michael Saxinger of Saxinger & Black Inc. and approximately 3 other individuals.

The meeting convened at 2:00 PM and the pledge to the flag was done. Chairperson Artz explained this is an unusual meeting for the Board of Supervisors. It was scheduled in the beginning of the year when it became apparent the normally scheduled Monday night meeting could not be held due to the attendance at the State Convention in Hershey. It was decided to try an afternoon meeting in an attempt to allow for other individuals to attend who are normally working at night.

**COMMENTS FROM THE PUBLIC**

When asked, there was no Comments From the Public offered at this time.

**APPROVAL OF MINUTES**

The minutes from April 5, 2004 were presented for approval.

**MOTION:** Was made and seconded to approve the minutes from April 5, 2004. Unanimously carried.

**APPROVAL PAYROLL, PAYMENT OF INVOICES, FUND BALANCES**

**MOTION:** Was made and seconded to approve payroll, invoices for payment and fund balances, which are all subject to audit. Unanimously carried.

**CHIEF OF POLICE REPORT- Kim Wolfe**

**A.) Calls For Service - March 2004**

Chf Wolfe provided the following report for the month of March:

1. Calls for Service totaled 285
2. 54 Criminal arrests

**Calls For Service - March 2004 (cont'd)**

3. 79 Traffic arrests
4. 35 Court dates
5. 39 Follow up investigations
6. 46 Warnings
7. 11 Burglar Alarms
8. 2 Assault or aggravated assault
9. 12 Domestic situations
10. 2 DUI arrests
11. 6 Drug Arrests
12. 10 Police Assists
13. 7,317 Miles logged on the cruisers

**B.) Fire Police Assistance Request from City of Lebanon Police Chief Harvey**

Chf Wolfe stated he had received a letter of request in late March from Chf Harvey of Lebanon City. The letter outlined several dates that they would request assistance for scheduled events from NL Fire Police. The 5-31-04 Memorial Day Parade; 6-05-04 GS Street Fair; 7-04-04 Coleman's Park fireworks; 10-23-04 Halloween Parade; 11-20-04 Holiday Parade; and 12-31-04 Lebanon Bologna Drop. Chf Wolfe explained he had faxed Chf Harvey to explain what documents North Leb Twp would need in order to satisfy this request. A certificate of insurance listing NLT as an additional insured would be required. This was provided to Chf Wolfe, who in turn, faxed the info to Sol Fred Wolf on 3-31-04. Chf Wolfe indicated Sol Wolf had not responded to him as of yet. Chf Wolf suggested the Board act on the reading of this request.

Chp Artz stated he thinks this is probably a good idea to place this issue on hold until a response is received from Sol Wolf. He then asked Chf Wolfe if he has been consulting Sol Wolf about these types of requests. Chf Wolfe replied he normally faxes the information directly to Sol Wolf and then waits to hear his opinion. These situations are always non-emergency type requests. Chp Artz asked Chf Wolfe to make contact with Sol Wolf and have something drafted to present to the Board for action. Chf Wolfe agreed to do this. Suv Hawkins questioned if all these functions are functions we have participated in within the past years. Chf Wolfe responded this year's request seems to mirror last year's request. Suv Hawkins stated she wanted to make sure this was not a new request.

**C.) Mark Webbert Parking Complaint**

Mr. Webbert had issued a complaint about the parking along 7th Street on and along Maple Lane in regards to the Sunset Flea Markets on Sunday mornings. Chf Wolfe reviewed the Ordinance in regards to the parking situation. The Twp has already adopted an Ordinance. However it would seem that through the years the posts and signs have disappeared. It was simply a matter of re-installing the signs. Chp Artz questioned if the posts were Twp installed. He was told yes the signs were installed by the Twp. Suv Brensinger stated he remembers this being an issue before. The NO PARKING signs have already been re-installed along this area.

**Mark Webbert Parking Complaint (cont'd)**

Another issue Mr. Webbert mentioned was in regards to his driveway and anyone parking on Maple Lane. He has a fear of backing into the parked cars. Chf Wolfe told the Board that Maple Lane is plenty wide enough to allow for the parking and Webbert's driveway. It seems to be an issue of Webbert getting older and having a hard time navigating this process. The Twp is not in a position of restricting parking because of one individual. The responsibility should be with Mr. Webbert using caution when he is backing out of his driveway. As long as the people on the other side of the street are parked legally there should not be a problem. This problem seems to only occur during Sunday mornings.

Suv Hawkins asked if his home was the last one near the STOP sign. Her concern was about the parked cars being parked too close to the STOP sign. It does not appear this is the case. Chp Artz said he felt as long as the NO PARKING signs have been re-installed the other issue about parking across from his driveway would have to remain Webbert's responsibility for use or caution.

**D.) Officer Contacting Suv Brensinger**

Suv Brensinger told Chf Wolfe he had received a phone call from one of the officers over the weekend. It was in reference to the storing of any materials on the public road overnight. If this situation were to happen for an overnight issue the area needed to be protected with flashing signal lights. Suv Brensinger asked Chf Wolfe to check into this for him. Chf Wolfe responded he had already received report about the yard mulch being placed on the public street. He has already checked on the Ordinance and Suv Brensinger is correct about the flashing signal lights being required. Chf Wolfe told the Board that the streets are to be used for vehicular and pedestrian use, not storage. The individual was told the mulch must be removed as soon as possible.

Chp Artz questioned the use of a tarp when hauling yard waste to the Recycling Facility. Does the Twp have an Ordinance in reference to have the loads covered with a tarp? Chf Wolfe stated this is actually a State statute not Twp. Suv Brensinger said it is our intention to have signage in place at the drop off facility requiring the loads be covered with a tarp.

**TOWNSHIP MANAGERS REPORT - Cheri F. Grumbine****A.) Homestead Acres Extension Request - Phase 4 Final**

The Twp has received a written request for a one-year time extension to submit the Final Phase 4 Subdivision Plan for Homestead Acres. Mr. Mike Saxinger is present tonight to review his request. Also provided for the Board are alternate suggestions for this phase of Homestead Acres. Mgr Grumbine asked Saxinger if there had already been a meeting with DEP.

Mr. Saxinger agreed saying yes. Since the request for the time extension a meeting has taken place on site with the Conservation District, land owners, DEP and the Army Corps of Engineers to discuss stream crossings located in Phase 4. A full set of plans is being provided in order to make the suggestions more clear for the Supervisors. Phase 4 is the last section of Homestead Acres, formerly called Schoolhouse Meadows Phase 2.

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Saxinger proceeded to describe the original plan submitted and the plan, which is being shown for review tonight. The original submission will expire in October of 2004. Realizing they would have to be working with the Army Corps of Engineers for at least 6 months or more, the request for a time extension now seems logical. Another issue is the application for sewer capacity. Saxinger said they are prepared to write a check for to reserve the number of sewer capacity that is seen on the current plan, prior to any approvals.

During the on site meeting with the Army Corps it was suggested to Saxinger that at least one of the stream crossings --- go away. Revise the plan to eliminate 1 of the 3 stream crossings shown on the plan. Saxinger then pointed out to the Board the crossing he felt would a viable option. The change would mean placing a cul-de-sac on Hunters Chase Lane, eliminating the stream crossing and leaving the 2 stub roads. This would create a scenario of having only 1 access to approximately 14 lots. When the Preliminary Plan had been worked on the neighboring tract owners, the Parry's were consulted. Mgr Grumbine reminded the Supervisors this area was just discussed with the Parry's not too long ago. Saxinger said this is option #1.

Saxinger then described Option #2 which he happens to prefer as well as the property owners. This suggestion shows Twigg Ave being cul-de-sac, which would include 252 feet. This would meet the minimum requirement. It also minimizes the cul-de-sac. It still only allows for 1 access. Saxinger then said he is not sure how DEP and the Army Corps would respond if the Twp determines that all 3 crossings in the Preliminary Plan must remain.

Mgr Grumbine asked what prompted DEP to question this when the Preliminary Plan had already been approved at least 8 years ago? Saxinger explained at the time that Phase 1 was being constructed and a basin and roads were built, additional fill had been placed in the wetlands in the area of Phase 1. DEP has identified this area, approximately 1 acre, as wetlands. DEP is of the opinion that the wetland area lost in Phase 1 should be added to any future construction areas. If he presents an opinion to DEP that the Twp is insistent upon the 3 crossings, he honestly does not know what their response would be. He told the Board he has to at least prove to DEP that he had tried to honor their suggestions of limiting the stream crossings to 2 instead of 3. What he would like from the Board of Supervisors is a written comment from the Supervisors, one way or the other.

Mgr Grumbine questioned the wetland area that had been filled in. Did that individual not have to clean it out and restore to the original condition? Saxinger replied that DEP did not specify one person or developer. They simply stated they were aware of this and documented the occurrence. Now we want this encroachment mitigated. DEP has placed the burden of this on Isaac Martin, who has agreed to bear the burden. Phase 4 has to allow for some mitigation already and now this situation will create more mitigation. Isaac Martin also owns some other sites that may be looked at to consider this mitigation. Mgr Grumbine said then in all reality if the Twp "stands their ground" and says we need all 3 crossings for the safety of our residents, DEP could back down. Saxinger said he couldn't respond because he does not know how DEP would respond. Mgr Grumbine then questioned the possibilities of keeping all 3 crossings and allowing for culverts in the wetland areas. Mgr Grumbine stated the Twp learned a lesson several years ago how valuable it is to have as many access points into a development when Sunset burned.

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Mgr Grumbine suggested to the Supervisors that County Planning be consulted about this request. Their input needs to be gotten also. The NLT Planning Commission has not had the opportunity to see these options either.

There are 3 properties affected by these changes. Some discussion continued about the advantages of Option #1 as opposed to Option #2. Option #2 still allows for another access point, according to Saxinger. Suv Hawkins expressed her opinion about the design shown. She feels the layout will be confusing to the public in the future when having to travel through the development. Saxinger stated that what is depicted is pretty much what you will get when considering the topo of the area. Saxinger said he certainly understands the desire to get County Planning's opinion. He would still like to request that he receive a written comment to present to DEP. Chp Artz said he also wants NLT Planning Commission to have their opportunity to express an opinion. Saxinger said he would continue to research and try to find an alternative location to offer DEP. The Board was in agreement to have Lebanon County Planning and the NLT Planning Commission review the options and offer opinions.

The conversation then returned to the original request of a 1-year time extension for final submission of Phase 4 for Homestead Acres. This request would make the time deadline October 25, 2005.

**MOTION:** Was made and seconded to grant a 1-year time extension for the final submission of Phase 4 for Homestead Acres. Unanimously carried.

**B.) Request to Operate Ice Cream Parlor @ Lions Lake**

The Park and Recreation Board have reviewed a request from Scott Meyers to operate an Ice Cream Parlor @ Lions Lake. The letter of request outlines hours of operation, staff, and menu items. The P&R Board has suggested the same financial agreement be followed as in the past. Should the Supervisors approve this request Sol Wolf would be asked to prepare an agreement for execution along with any specific issues the Board would like to have included in the agreement.

Chp Artz questioned if Mr. Meyers had received the agreement to review the contents. Mgr Grumbine replied she is not sure what the P & R Board has shared with him. Suv Hawkins asked if there is a problem with the closing time of 10 PM. Mgr Grumbine said that decision is up to the Board of Supervisors. Chp Artz if both sides of the concession building would be needed. Mgr Grumbine repeated that decision would be up to the Supervisors what they want contained in the agreement. Suv Hawkins questioned the mention of vandalism. Has this been a problem at Lions Lake? Mgr Grumbine described some to the problems we have experienced this year already. It is hoped that some presence there and the lighting would probably help this situation somewhat. Suv Hawkins then questioned if the Twp has a curfew. She was told it is 11:00 PM. Suv Brensinger said he is of the belief that someone should have the opportunity to make a go of it at the Lake. Both Suv Hawkins and Chp Artz agreed with this belief. It would be nice to have someplace to go for a dish of ice cream.

**Request to Operate Ice Cream Parlor @ Lions Lake (cont'd)**

Mgr Grumbine made one suggestion. Instead of reviewing the monthly electric bill, set an amount the Twp would pay and Mr. Meyers would pay anything over and above that amount. It would be much easier for the accounting department to review what is being used currently, set a specific amount the Twp would pay and then anything more would be paid by Mr. Meyers.

**MOTION:** Was made and seconded to approve Sol Wolf prepare a lease agreement with Scott & Susan Meyer in regard to an ice cream parlor being operated at the Lions Lake facility. Unanimously carried.

There was some discussion about having the payments divided and being paid in 3 installments versus one lump sum payment. The Board was in agreement with this suggestion as they had found it to work for the previous individual who had rented the concession area. By using this payment schedule the heaviest payment would fall right into the busiest time for them. The Board was all in agreement with this issue. The only thing that would need to be addressed this first year was the April 1<sup>st</sup> scheduled payment. That date has already passed.

**C.) Compost Facility Rules & Regulations**

Mgr Grumbine told the Supervisors she had reviewed the rules and regulations for the Compost Facility with the office staff. She has provided for the Board a MEMO listing some comments and suggestions. She would like to review the Board's comments and suggestions so that Sol Wolf can then proceed to draft the required Ordinance after receiving the Boards comments.

Mgr Grumbine and the Board began reviewing some of the listed issues. She informed the Board the office staff had mentioned construction materials as being a frequently asked question. She thought this might be something that could be placed right into the regulations. Some of the other questions often asked pertain to tires and batteries. One of the most important issues that will need to be addressed is that of residents climbing over barriers to get mulch that is not available for the public. Suv Brensinger agreed this is a problem. Another problem is when the employees are actually working in the facility and the residents drive right up to where the workers are. For safety reasons, something will need to be established to address this problem. Whether it is closing the facility temporarily when workers are in there or something else. Item #15 would need more clarification by Sol Wolf. Item #18 which is in reference to the annual fee should not mention an amount. It should state that the annual amount would be determined by Resolution. The same would apply to item #19, which reference the business fee. Item #20 was a clerical error. Item #21 should note that a key-card is not necessary for the Christmas tree drop off. Item #22 should be added mentioning grass clipping drop offs (which should also be added to item #4 as acceptable items, if determined to be so) and is being recommended to drop off inside the facility due to safety issues.

Some of the comments discussed by the office staff were mentioned to the Board. One of the questions pertains to the old mulch that some residents are removing from their garden areas. Is this something that is acceptable to be dropped off? The Board did not think this would be a problem.

**Compost Facility Rules & Regulations (cont'd)**

One other item, which should be included, is the notation that the regulations are subject to change per the Board of Supervisors. Suv Brensinger agreed since this is new the whole procedure would need to be "tweaked" as we go.

**Paul Schwab - Hunters Chase Ln**

Mr. Schwab requested a copy of the draft of regulations for the Compost facility. He also questioned if the gate is in place when the employees are working in the area? Suv Brensinger said the gate is to close off the whole area. Schwab suggested closing the gate while employees are working in the facility. Ed explained the gate secures the whole area and the employees are actually working within the area, which would restrict anyone from coming into the area to dump.

Mgr Grumbine said she did not know if there was anything the Board wanted to add before she contacts Sol Wolf. When nobody offered any she said if they should think of anything to please let her know and she would include with her comments to Sol Wolf. She also told the Board if they were in agreement with what has been discussed she would forward to Sol Wolf so that he could revise and finalize the Ordinance for approval by the Board.

**D.) Second Amended Supplemental Agreement - Sewer Capacity & Treatment**

The Twp has received the second amended agreement with the City of Lebanon regarding the sewer capacity and treatment. The Board is being asked to review the proposed agreement and provide to Mgr Grumbine any comments and/or suggestions. She would then forward to Sol Wolf. This issue will be placed on the Agenda for May 17th for discussion and possible approval. Suv Hawkins asked if the Twp has any choices in this matter. Suv Brensinger told her the only option would be for the Twp to build our own treatment plant. All were in agreement that this was NOT an option they would want to pursue.

**E.) Paving & Fuel Bids**

On Thursday, the yearly bid opening was held for the paving projects and fuel. The fuel bids (key card system) will have to be re-advertised, as we received no bids. Only one bid was received for diesel fuel and heating fuel that is to be delivered to the building. There were two bidders for paving, Pennsy Supply and Lebanon Materials.

<b><u>Paving Projects</u></b>	<b>Project #1</b>	<b>Project #2</b>	<b>Totals</b>
Pennsy Supply	\$127,267.58	\$10,944.55	\$140,212.13
Leb Materials	\$136,324.21	\$ 9,860.94	\$146,185.15

**MOTION:** Was made and seconded to approve the Paving project bids to Pennsy Paving. Unanimously carried.

The amount of \$156,455 in our 04 budget for paving (project #1 only); a difference of \$27,187.42.

**Paving & Fuel Bids (con't)**

The results of the bid opening were faxed to the County Commissioners on Friday, April 16 and requested written confirmation on reimbursement for this project from the County Commissioners. Jamie Wolgelmuth has verbally guaranteed an additional \$11,000.00 in Liquid Fuels. Mgr Grumbine said she would need to fill out the appropriate form to get the additional Liquid Fuels. This would be applied to offset the costs for Project #2.

There were 2 different bids offered for the Fuel Bids, escalating and fixed rates. The diesel rates are exempt from the taxes. Escalating is a sliding scale according to pump prices. The fixed rate is a rate that would apply at all times. Winterized diesel is subject to a \$.02 per gallon increase.

<b>Fuel</b>	<b>Htg Oil</b>	<b>Total</b>	<b>Diesel</b>	<b>Total</b>
C. R. Leffler-Escalating	1.0493	\$6,820.45	1.1108	\$14,440.40
C.R. Leffler-Fixed Rate	1.1650	\$7,572.50	1.185	\$15,405.00

**MOTION:** Was made and seconded to approve the fixed rates for the heating fuel and diesel fuel to Carlos F. Leffler. Unanimously carried

SuvHawkins had a question as to how the bidding for the paving projects is done. Does the bidding always have to be "lumped" together? Are we able to separate the projects out to get the better bid for each project? Mgr Grumbine explained the bidding is not done to allow for this type of division of projects. The larger quantity bid on, the better the pricing that is offered by the provider.

Mgr Grumbine reminded the Board that the fuel for the vehicles will have to be re-bid, as we received no bids for vehicle fuel. We will probably not receive any bids the second time either and will then be able to continue with the method we are currently using, which is the card system.

**F.) Property Updates**

Bonnie Grumbine has presented the Board with an update on several properties that are in non-compliance. A total of six letters have been mailed to various property owners. The Diem farm property located on E. Kercher Avenue is a problem that she is looking to the Board for a direction to follow. Bonnie has pictures, which show over a hundred tires piled around the farm. Suv Hawkins questioned if the tires were being used to weight down haylage. Suv Brensinger said that was probably the reason in the beginning but not now. The pictures show that. While reviewing the pictures provided, the Supervisors discussed some of the options available to pursue. Mgr Grumbine said at this point Bonnie is looking to the Board for answer to pursue or not to pursue. If yes, she and Sol Wolf would then decide the best method to follow. Mgr Grumbine said this is the first situation with a farm. Suv Hawkins said she feels Mr. Diem needs to have the opportunity to explain the tires being there. He then should find a way of storing them when not in use.

**MOTION:** Was made and seconded to approve a letter, from Bonnie and Sol Wolf, being sent to the Diems in regards to cleaning up or proper storing of the tires located all over the farm property. Unanimously carried.

**G.) City of Lebanon Comprehensive Plan**

Copies of the City of Lebanon's Comprehensive Plan have been provided to the Supervisors. They are being asked to review and offer any comments to the City of Lebanon within the next 45 days. Mgr Grumbine told the Supervisors they should provide her with their comments and she would then forward to the City of Lebanon.

**H.) GLRA Request - June 2, 2004 Meeting**

An invitation to attend the June 2nd meeting @ 7:30 PM of the GLRA has been received. The Twp will be receiving an award for outstanding Recycling efforts in 2003. Mgr Grumbine asked the Board to let either herself or Bonnie know in order to respond with a count. Chp Artz stated he thinks he will be able to attend. Suv Brensinger said he believes this is a Wednesday. He then told Dawn most of the County officials would be attending. She told Mgr Grumbine she would like to attend.

Mgr Grumbine told the Board they should have copies of the minutes from the GLRA regarding the April 8th meeting. A list of who had attended was also included.

**I.) Twp/Tom Stewart Easement Agreement**

Mgr Grumbine told the Board Sol Wolf has provided an agreement for Tom Stewart regarding the easement for his new water connection lateral of 7th Street. Mr. Stewart has already signed the agreement. Mgr Grumbine explained the agreement reads the same as the original draft with the exception of some additional wording Mr. Stewart had requested. He wanted the wording to reflect that should he ever wish to add a gas line or electric, he would then have the option.

**MOTION:** Was made and seconded to approve signing the agreement with Tom Stewart in regards to a utility easement crossing Twp property off N 7th Street. Unanimously carried.

**SOLICITORS REPORT - (Tom Harlan for Frederick Wolf)****A.) Boundary Line with Bethel Twp**

A letter has been sent to Attorney John Enck about a stipulation that is to be entered into by both parties. This would be done when Gary Matthews was completed with his drawings. Attorney Tom Harlan explained he had tried to find out if these drawings had been completed and was not able to find any. It appears this has not been done as of yet. Once these drawings are presented Attorney Enck stated a signature would then be given.

**B.) Spruce Park Redetermination - Real Estate Transfer Tax**

Attorney Harlan reported the New York attorneys have not responded to Sol Wolf's contacts. The next step would be to file a lawsuit against the New York attorneys of the settlement company that had handled this issue. A letter to the school district's attorney was sent to ascertain whether or not they would be filing a suit. A letter from Attorney Sheffey indicated that if no contact has been made, another discussion should be had between the school and the Twp.

**Spruce Park Redetermination – Real Estate Transfer Tax (cont'd)**

Attorney Harlan said it makes sense to join together in the suit and share the expenses. Suv Brensinger asked if payment of the attorney fees could be made a part of the suit. Harlan said a claim could be made for that. He is not sure how the Act provides for that issue. Court costs can always be collected but that does not include attorney costs. He stated he would check the statute on the Attorney fees.

**COMMENTS FROM BOARD MEMBERS/TWP MANAGER**

There was some general conversation held about the issue of requested lighting for thy Twp's sports fields located on Long Lane. Most of the conversation centered on the demand for additional parking. Suv Brensinger stated the demand for parking would certainly increase if the games were "stacked", which is what would happen if the lighting were to become a reality. Unless 75-80% of the demand for parking is realized the question of lighting is a moot point. Suv Hawkins said she thinks this would open a lot issues with the neighbors in this area if nighttime lighting were to be introduced. Suv Hawkins asked if all the costs are to be absorbed by the sports association. She was told the Park & Rec Board is still in the information gathering stages on this issue. The Board members agreed to wait until the P&R Board has finished their review of this issue and are ready to make a suggestion to the Supervisors.

**B.) PSATS Convention-Hershey PA**

Suv Brensinger stated the PSATS convention had been held this past week at Hershey. They had the opportunity to see and hear President Bush speak. This was probably the opportunity of a lifetime for many of the people in attendance. He expressed that the time spent at this convention is always very worthwhile. Chp Artz added his agreement with Ed's statements.

As there was no more business to conduct or discuss the meeting adjourned.

Respectfully Submitted,

Theresa L. George  
Recording Secretary