

**MINUTES
NORTH LEBANON TOWNSHIP BOARD OF SUPERVISORS
SEPTEMBER 7, 2004**

The regularly scheduled meeting of the North Lebanon Township Board of Supervisors was held at 7:00 PM at the North Lebanon Township Municipal Building, 725 Kimmerlings Road, Lebanon, PA, with the following people present:

Kenneth C. Artz.....	Chairperson
Dawn M. Hawkins	Vice-Chairperson
Edward A. Brensinger	Treasurer
Cheri F. Grumbine	Township Manager

Also in attendance was, a representative of the Lebanon Daily News, Theresa George, NLT employee and approximately 6 other individuals.

The meeting was called to order and the pledge to the American flag was done.

COMMENTS FROM THE PUBLIC

A.)Request from Laurel Lane – Block Party

Dawn Cavic introduced herself to the Board and stated she is representing her neighborhood. The neighborhood had requested permission to block off Laurel Lane in order to hold a “block party” on 9-18-04 from 3-9 PM. Chp Artz told Ms Cavic the Supervisors had a few questions in reference to the area that would be blocked off. She informed the Board it would be the cul-de-sac area only. Traffic would not be affected on the rest of Laurel Lane. Chp Artz then asked if the entire neighborhood would be participating in this party. Ms Cavic stated there is only one family that would not be in attendance due to previous commitments.

Suv Brensinger mentioned that the Twp usually offers barricades for the residents to use when blocking off the street area. Cavic thanked the Board for their offer and said that would not be necessary.

MOTION: Was made and seconded to approve the request for Laurel Lane residents to block off the cul-de-sac area and hold a block party on 9-18-04 between the hours of 3-9 PM. Unanimously carried.

MOTION TO APPROVE THE MINUTES

MOTION: Was made and seconded to approve the minutes from the August 16, 2004 meeting. Unanimously carried.

**MOTION TO APPROVE PAYROLL AND PAYMENT OF INVOICES
SUBJECT TO AUDIT**

MOTION: Was made and seconded to approve payment of payroll and payment of invoices subject to audit. Unanimously carried.

TOWNSHIP MANAGER’S REPORT – Cheri F. Grumbine**A.)Liquor License Transfer Request–Shanghai to A&M Restaurant**

A request has been received for transfer of a Liquor License from the former Shanghai Restaurant to the A&M Restaurant located across the street. The A&M Restaurant is on the east end of Cumberland Street and is located in NL Twp. However the Shanghai Restaurant had been located in South Lebanon Twp (which is currently the location for the Cedar Grille). Mgr Grumbine has been in contact with Sol Wolf, who in turn contacted the attorney for A&M Restaurant. An escrow will have to be established to cover the expenses of advertising and the legal costs of the Twp. If an escrow is established this week an advertisement for a public hearing to be held at the 9-20-04 Supervisors meeting will be placed by Sol Wolf.

Chp Artz asked Mgr Grumbine if we have heard any response from the A&M attorney. She reported that Sol Wolf had communicated with the attorney for A&M last Thursday or Friday but no communication since that time. Chp Artz questioned the license procedure. Does the license remain with the original owner? Mgr Grumbine replied she thinks that is the way it works. Suv Brensinger asked about the scheduling of a Public Hearing. Is this a requirement of the Liquor Control Board? Mgr Grumbine agreed this is true.

Martin Barondik asked if they are talking about changing a license from one township to another. Suv Brensinger explained that the Liquor License is permitted to “cross Township lines”. One of the requirements is that the receiving Twp must schedule a Public Hearing to receive public input. When R Field & Stream Club acquired the license from the Speedwell Club we had to go through all the requirements set by the Liquor Control Board. Barondik stated he has no objections to the Twp receiving another Liquor License.

Suv Hawkins asked how many Liquor Licenses the Twp currently has. Some conversation followed about the other A&M Restaurants and whether or not they have licenses to sell liquor. The only other A&M location would be the one in North Cornwall (across from the Quality). Suv Hawkins said she would like to know what their record is, as far as any trouble. Mgr Grumbine stated she is certain the Liquor Control Board would consider that information when reviewing this request.

B.)5-Yr Winter Maintenance Agreement w/PADOT

It is time to review the winter maintenance contract with PADOT. The contract is a 5-year contract and starts with the 2004/05 winter season. When reviewing the contract it appears that Mt Zion Rd has been dropped of the contract. In speaking to PADOT they have confirmed that this would now be their jurisdiction, as they needed the mileage in order to maintain their allocation of trucks. The letter from PADOT indicates the travel lane per mile rates for all roads has been increased by 3% for the Fiscal year of 2004/05. In the past, a particularly harsh winter season resulted in additional compensation to the Twp. This is determined by PADOT based on their actual costs for similar roads serviced through winter weather.

Winter Maintenance Agreement w/PADOT (con't)

During the 2002/03-winter season we received an additional \$13,000+ because of the extreme winter weather. This amount was in addition to the original contract of \$13,000. When comparing our costs vs. reimbursement for the contract we still are short of all our actual expenses.

The Board is being asked to consider the option of entering into a 5-year contract with PADOT to maintain State roads located in the Twp. The roads located in NL Twp include Weavertown Rd, Sandhill Rd/Grace Ave, E. Maple St, Prescott Dr, Tunnel Hill Rd, and Heilmandale Rd. The option of not participating and having PADOT be responsible for winter maintenance on all State Roads in the Twp is another option to consider. Mgr Grumbine suggested that Ed, as Twp Roadmaster, provide a recommendation on this issue.

Suv Brensinger stated that in the past the costs of maintaining those roads have always outweighed the amount received. Whenever there is bad weather, these roads are the first calls for attention that the Twp receives. These areas seem to be the worst for ice, snow or whatever problems the weather causes. He suggested tabling this issue until information is received about how neighboring municipalities are handling this decision. He said he knows S Leb Twp has signed their contract but he does not know how many miles they actually do for the State. N Cornwall is contemplating the issue. Mgr Grumbine reported that Myerstown would not be entering into a contract with PADOT.

Chp Artz said he has no problem following Ed's suggestion to table this issue. He then asked what the chances are for negotiating with PADOT for a better rate. Martin Barondik said he wanted to make sure he understands what is being said here. Is the Board talking about dropping the maintenance responsibilities of the PADOT roads? Suv Brensinger said either that or trying to negotiate the 3% rate offered. Barondik said his concern about the Twp not participating with the winter maintenance is that if we have to rely on the state then the roads will NEVER get done.

Suv Brensinger explained that when bad weather hits the area, the streets and roads that are always PADOT maintained are inevitably the roads the Police Dept get the first phone calls for service. The traffic gets backed up or the Police get detained on these calls so that the Twp ends up going to these areas anyway. Barondik then said he does not think the State can be "bargained with" due to the fact they have a set rate of pay and that rate is the bottom line. Suv Hawkins asked if the Twp ever receives any type of compensation for these situations. Brensinger answered, no. Sometimes perhaps a thank you is received. Suv Brensinger said he does not feel it is right for the NL residents to have to subsidize the shortcomings of the State.

A member from the public asked if there has ever been a cost comparison completed. What the expenses are to the Twp versus what the State compensates. Particularly when the Twp staff is called out for overtime plow hours on PADOT roadways. Suv Brensinger said that when the State determines it to be a severe winter, there is some additional compensation.

Winter Maintenance Agreement w/PADOT (con't)

Chp Artz said he feels comfortable tabling this issue until some information is gotten about what other neighboring municipalities are deciding. Suv Brensinger said the Twp has some time to make the decision. The next meeting in September or the first meeting in October allows time to make a decision and complete any necessary paperwork for the state if needed. Suv Hawkins said she has no problem with tabling the issue. She just feels this is a “lose-lose” situation for the NL Twp residents.

MOTION: Was made and seconded to table a decision on the State winter maintenance contract. Unanimously carried.

C.) Advertisement for Public Hearing – Misc Ordinance Updates

Sol Wolf will be preparing changes to the current Twp burning Ordinance, at the request of DEP. The current wording “prohibits the burning of leaves” and DEP would like to revise the wording to “prohibit the burning of yard waste materials”. Another issue the Ordinance will be addressing is the Illicit Stormwater Discharge to comply with the MS-4 stormwater regulations. The Board is being asked to authorize Sol Wolf to advertise a public hearing to be held at the Sept 20, 2004 meeting for these 2 items.

MOTION: Was made and seconded to authorize Sol Wolf advertising for a Public Hearing on Sept 20, 2004 for Ordinance Updates. Unanimously carried.

D.) Resolution No. 21-2004 & 22-2004; Disposition of Municipal Records

The Board is being presented with Resolution No. 21-2004 and Resolution No. 22-2004 for adoption. The 2 Resolutions list documents that can be disposed of according to the Municipal Records Retention Manual previously adopted by the Board. The listed documents all fall into the guidelines of the Manual for disposal.

Chp Artz said he noticed the list is quite long. Mgr Grumbine stated she and Sheila had spent 2 days weeding out all the old unnecessary documents. He agreed this would make some much-needed space available in our files.

Suv Brensinger questioned the 2 different Resolutions. Mgr Grumbine explained that the Resolution No. 21-2004 is the list of documents that can be disposed of immediately. Resolution No. 22-2004 is the documents that can be disposed of at the year-end. With only 3 months remaining in the year it makes sense to have the shredding company shred these documents also. If the Board is uncomfortable with destroying the documents now, they can be held until December 31, 2004 to be destroyed. She told the Supervisors that Bonnie has contacted a shredding company that will be available September 14 to get rid of all the documents.

MOTION: Was made and seconded to adopt Resolutions 21 & 22 2004 for disposition of certain Municipal Records. Unanimously carried.

E.) Waiver Request on Street Construction for NL Business Park

Mgr Grumbine told the Board that the Twp has received a written waiver request from Steckbeck Engineering regarding the NL Business Park. There are 2 different issues that are being requested for the construction of the streets. The first is the substitution of 8" of 3A modified stone base instead of the Township specs of 5" of #3 stone covering with 3" of 2A modified stone. The second is to substitute 2" of ID-3 wearing course instead of the Township spec of ID-2. Rick Bolt, the County Engineer, has provided his recommendation on these requests. Ed Brensinger, as the Roadmaster will also be asked to offer his recommendation.

Chp Artz agreed that Ed's opinion is needed on these issues. Ed stated that the proposed sub base of 3A modified had been the Twp spec before the specs had been revised. The 2A modified is a finer grade and creates a better finish, according to Ed. He added there is nothing wrong with the 8" of the 3A. Suv Hawkins asked if the requested substitutions meet the County standards? Mgr Grumbine and Suv Brensinger explained these would be the Twp specs, which probably supercedes the County specs. Twp specs are usually stricter than the County specs. Some conversation followed about the process and time line when completing the construction of the streets. Ed felt the request should be granted, as the ID3 would be a good option for the heavy truck traffic this area will encounter. Mgr Grumbine reported the County Engineer agreed with Ed's remarks. If any additional drainage is needed it could be added.

MOTION: Was made and seconded to approve the waiver substitution requests regarding the street construction in the NL Business Park. Unanimously carried.

F.) Cell Phone Recycling Program Update

The Twp started a cell phone program about a year ago. To date we have collected about 30 phones. The cell phones and batteries are being delivered to troops overseas along with calling cards donated by individuals and businesses so that soldiers can call home. The chargers are being sent to RecycleFirst where they will be dismantled and disposed of according to EPA regulations.

Mgr Grumbine stated we are pleased with the response from our residents and want to continue to get the word out on this important program that helps the men and women fighting for the cause of freedom. More information about the program is listed on our website under the Recycling Dept.

G.) Letter of Appreciation from Friends of Union Canal Tunnel Park

The Board has received a letter of appreciation from the Friends of the Union Canal Tunnel Park for the completion of the paving of their lower parking lot off 25th St. Pictures of the before and after have also been provided in order to get the full effect of the improvements. Mgr Grumbine read the letter, which states the appreciation of the Friends of Union Canal Tunnel Park and expresses that the positive side of local government should be recognized when all too often the negative is all that is heard.

H.) Construction of Parking Lot off Water Street

Mgr Grumbine reported on a project the combined Twp maintenance crews have been working on. The area that had recently been acquired as a part of the HDC project on Water St has been constructed to become a parking lot for the sports fields located off Water St/Long Lane. The Park & Recreation Board will be reviewing the Fees in Lieu of Funds in regards to their outstanding projects to determine if there would be enough money available to pave this parking area and when this might be accomplished. Mgr Grumbine mentioned she would like to commend Dave Strohm and all the maintenance departments for the great job they did in working together to create this much needed parking area for the athletic fields.

The Park & Recreation Board will also be discussing changes that must be made @ Lions Lake Park regarding a wetland area. Sheila and Dave have been working with the Conservation District to find out the best solution to deal with the wetland area that is present on the walkway. Piping has recently been installed under the walkway in an attempt to prevent the walkway becoming slippery from being wet. The Twp and the Conservation District are not happy with the results and an alternate solution must be found. It is possible a new walkway will have to be constructed to the north of the wetland area. As it now exists a hazard is created when the pathway becomes wet and slippery.

I.)MEMO from Sol Wolf – Authorization to Twp Manager

Mgr Grumbine told the Board a MEMO has been received from Sol Wolf explaining his request for their authorization to have Mgr Grumbine compose and sign a letter to the Lebanon Valley Economic Development Corp. Due to a time “crunch”, once the wording in the documentation regarding the Land Owners Association with the EDC is completed to the Township’s satisfaction, Sol Wolf is suggesting Mgr Grumbine prepare and submit a letter to the EDC stating the Board’s acceptance of the documents and that the documents have been recorded at the Recorders of Deeds office. The recording of the documents meets the requirements listed in paragraph 14 & 20 of the agreement. Mgr Grumbine explained rather than delay the EDC for another 2 weeks until the next Supervisors’ meeting, Sol Wolf has suggested that the Board authorize her to sign and send the letter as soon as the recording of the documents is completed.

Chp Artz stated that the Association documents have been discussed and agreed upon by the Board and the only thing Sol Wolf is asking for is the authorization for Mgr Grumbine to prepare and sign this letter to EDC as soon as the documents have been recorded. Suv Hawkins recalled discussing the Land Owners Association documents but does not recall actually approving the documents. Mgr Grumbine stated the approval was given at the last meeting. Suv Hawkins said she was a little confused about this but agreed the documents were all in order the last time the Board had discussed them. Mgr Grumbine explained the settlement of the property was scheduled for this past Friday and the recording was to be completed today or tomorrow. This would allow the settlement papers and the agreements to all be recorded at the same time.

MEMO from Sol Wolf – Authorization to Twp Manager (con't)

MOTION: Was made and seconded to authorize Mgr Grumbine composing, signing and submitting a letter to LVEDC indicating that the Protective Covenants and the By Laws of the Association have been approved by the Board of Supervisors and that they do comply with paragraphs 14 and 20 of the Land Development Agreement with LVEDC. Unanimously carried.

COMMENTS FROM BOARD MEMBERS**A.)NATAT Convention – Washington D.C.**

Chp Artz informed the public he would be leaving tomorrow to attend a convention in Washington D.C. It is a good opportunity to meet with the politicians and discuss various local issues.

There being no more business, meeting was adjourned.

Respectfully submitted,

Theresa L. George
Recording Secretary