

**MINUTES  
NORTH LEBANON TOWNSHIP  
BOARD OF SUPERVISORS  
SEPTEMBER 15, 2008**

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:

Edward A. Brensinger	Chairman
Kenneth C. Artz	Vice-Chairman
Dawn M. Hawkins	Treasurer
Cheri F. Grumbine	Township Manager
Harold L. Easter	Chief of Police
Solicitor Frederick S. Wolf	Henry & Beaver LLP

Also in attendance was Kathy Hackleman of the Lebanon Daily News and many other individuals. The meeting was called to order and the pledge to the flag was done. It was announced the Comments from the Public would be heard first. After the Comment period or at 7:30 PM the regular meeting will adjourn and the scheduled Public Hearing for Ordinance 5-2008 will begin.

**COMMENTS FROM THE PUBLIC**

**A.) Mary Kreiser 1-Lot Subdivision – Kochenderfer Road**

Brent McFeaters – Matthew & Hockley Assoc

This plan is showing a one lot subdivision. The Board had previously seen the plan to approve the irregular shape lot. County Planning has submitted a letter of recommendation. The NLT Planning Commission recommended a conditional approval. The condition being that the Municipal Authority approves the plan at their meeting, which had been done at the 9/11/08 meeting. The Kreisers have also returned the signed Park & Rec agreement along with the appropriate fees. Brent McFeaters is present to answer any questions.

Some discussion was held about the shape of the lot and the driveways shown on the plan. One of the driveways is to be eliminated, according to Brent McFeaters.

**MOTION** was made and seconded to approve the Mary Kreiser 1-lot Subdivision Plan and the Park & Recreation Agreement. Unanimously carried.

**B.) Lot #3 Subdivision - LVEDC**

Steckbeck Engineering

The Board is being asked to take action on the subdivision of Lot #3 in the Lebanon Rails Business Park owned by LVEDC. The lot is located along the south side of Hanford Drive. This lot contains 11.89 acres and leaves 115.67 acres remaining within the park. Some conversation followed about the shape of the lot and a culvert which is shown on the Land Development Plan. This plan is for the subdivision only. The Land Dev Plan, which is in the planning process, will show the development of Lot #3.

**MOTION** was made and seconded to approve the Subdivision Plan for Lot #3 of the Lebanon Rails Business Park. Unanimously carried.

**C.) Cikovic Subdivision Plan – 1 Lot off Jay St/ Horizon Blvd**

Steckbeck Engineering – Resolution 17-2008 Planning Module

This subdivision plan is showing the existing dwelling being separated from the remaining Cikovic lands. The property is serviced by onlot well and onlot sewer system. Driveway location is shown off Horizon Blvd. A Planning Module is included with the plan for approval by the Supervisors.

**Cikovic Subdivision Plan (con't)**

**MOTION** was made seconded to approve the Cikovic 1-lot Subdivision Plan. Unanimously carried.

**MOTION** was made and seconded to adopt Resolution No. 17-2008 approving the Planning Module for the Cikovic Subdivision Plan. Unanimously carried.

**D.) The Crossings @ Sweet Briar – Waiver Requests****Paul Zimmerman – Landmark; Scott Miller – Stackhouse Bensinger**

**Sidewalk Design** -Mgr Grumbine reviewed the history of the waiver requests with the Supervisors. Landmark requested 7 waivers. Of the 7 requests, the Supervisors will be asked to take action on 3 waivers this evening. The first is the sidewalk waiver which the Planning Commission reviewed at their last meeting. The Planning Commission members were split on their opinions.

- 2 members agreed sidewalks should be mandated throughout the whole community
- 2 members offered a compromise of sidewalk on one side of the street along the main street
- 1 member was of the opinion walking trails were sufficient

Scott Miller displayed a map of the proposed walking trails, which are to be macadam or paved, for the Crossings @ Sweet Briar community. Also noted on the map were areas for passive recreation such as gazebo or benches for a seating area. Scott explained some of the setbacks used when designing the different areas for this community. After the meeting last Monday of the Planning Commission he went to the design team and discussed placement of sidewalk along one side of the street on the main street in the community. He continued on by telling the Board he is looking to them tonight for action on the sidewalk waiver request in order to continue the design of this community.

Suv Artz asked Miller about the sidewalk being shown all the way to Kimmerlings Road. Scott stated that it would connect all the homes from Kimmerlings Rd side of the community straight to the community center located on the Mt Zion Road side of the community. The macadam walkway will be intermixed from the other areas of the community not located along the main spine of the development. Mgr Grumbine stated she had requested an opinion from Kris Troup and Bob Sentz of LCPD. A letter from the conservation District supported the “green space” theory. LCPD stated they would be in agreement to recommend sidewalks throughout the whole development on at least one side of the streets.

Discussion continued about cartways, street widths and other features of the community. Scott said he would agree with County’s recommendation if the streets were not being built to the Twp specifications. Paul Zimmerman mentioned the slopes of the land and the difficulty of trying to keep the sidewalks level. Mgr Grumbine said they would have the option of moving the structure back further on the lot.

Suv Hawkins said she is satisfied that the sidewalks on one side of the main street in the community would suffice. Suv Brensinger asked if the sidewalks will all run continuous along one side of the street. He was told yes that is the intent and it will probably be along the south side of the main street. Suv Artz said he is in agreement that some sidewalk areas will be needed.

**MOTION** was made and seconded to grant the waiver request for sidewalks through the whole community conditional on sidewalk being installed on one side of the main street connecting Kimmerlings Rd to the Community Center. Unanimously carried.

**Waiver #2 – Cul-de-sac Design** – Scott indicated the cul-de-sac area and what he refers to as the loop design. Landmark is asking for a waiver from the Twp standards in order to achieve the rural character they desire for this community. The design allows for the best traffic flow considering the configuration of the land. Suv Brensinger asked Mgr Grumbine if this is an approval or recommendation that is being asked for. She replied that County is looking for a recommendation from the Supervisors and would probably agree with the Board’s recommendation for the cul-de-sac, as we have our specifications.

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**Crossings @ Sweet Briar – Waiver Requests (con't)**

The NLT Planning Commission has recommended granting the waiver for the cul-de-sac design.

**MOTION** was made and seconded to grant the waiver for the 2 cul-de-sac designs shown on the Crossings @ Sweet Briar plan. Unanimously carried.

**Waiver #3 - Private Streets** – A waiver is being sought for approval of private streets. Although this has been discussed many times the official MOTION has not been made.

**MOTION** was made and seconded to grant a waiver for private streets located in The Crossings @ Sweet Briar contingent on all requirements being met as listed in NLDS Section B-6. Unanimously carried.

**E.) Conditional Sign Use for SABVI – L & H Sign Representative**

A representative from L & H Sign and from SABVI are present to discuss the request for additional signage for the SABVI property. Marilyn Brennen, of L&H Signs, told the Board she is here on behalf of their clients Alley Center for Blind (SABVI). They are requesting a conditional use to install a single-faced illuminated freestanding sign that measures 3' x 11"x2' 3-1/2". The Board has been provided with information pertaining to the actual sign and placement of the sign. Marilyn stated this sign will be placed within the landscaping. It will be more of a directional sign for people exiting their cars. After reviewing the information the Board indicated they were satisfied.

**MOTION** was made and seconded to grant the conditional sign use request for the Alley Center for the Blind located at 2050 Hanford Drive. Unanimously carried.

**F.) Bob Hoffman – Brush on Tunnel Hill Road**

Mr. Hoffman told Suv Brensinger that the Twp had done a good job of cleaning up the piles of brush for the Union Canal group. He wanted to know when the rest of the cleanup is to be completed. Suv Brensinger told him it had been completed until Mr. Sildorf started pulling more brush out street side. The Twp agreed to help out the group that is maintaining the Union Canal Park. Ed stated that the remainder will be cleaned up as soon as the Twp crew is able to get to it.

**G.) Glen Kreiser – Friends of Union Canal Park**

Mr. Kreiser said the support the Twp offers to the Union Canal Park is very much appreciated. Chm Brensinger said it is his hope the retired people who work so hard at this park area stay healthy for a long time because the Twp Park & Rec dept could not provide the efforts this group provides without hiring additional employees.

**H.) Martin Barondick – New Street**

Barondick mentioned he saw a delinquent real estate tax list in the Merchandiser. One of the names on the list is a board member for North Lebanon Twp. He said he does not understand how a board member can be appointed if their name is on a delinquent list. Although it is a nonelected position, how does this person get appointed on a board? He asked each Supervisor to voice an opinion.

Chp Brensinger said perhaps that is something that the Board will have to look at when the term is up for reappointment. The board Barondick is referring to is a recommending board not a decision making board. Barondick insisted these board members represent the Twp. Chp Brensinger said he does not agree that a resignation should be asked for. Suv Artz said he agrees that a resignation is not called for. Suv Hawkins stated that she did not consider asking for a resignation. She agreed that when the term is up, this is something that should be considered by the Supervisors.

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**Board Appointments (con't)**

When asked for a legal opinion Sol Wolf said this person is not violating any law. If a resignation is wanted, the individuals who want it should speak to this person. Other than that, the option to consider this information when the term is up for reappointment is the Supervisors' option. After some more discussion Suv Artz told Barondick that as a Board they will research this issue.

**\*\*\*\* PUBLIC HEARING ORDINANCE 5-2008 \*\*\*\***

7:30 PM

Chm Brensinger stated that it is now past 7:30 PM and the meeting will be turned over to Sol Fred Wolf to conduct the hearing regarding Ordinance 5-2008 and an accompanying Intermunicipal Agreement with the County Treasurer's office for collection of fire protection, fire hydrant, (if the municipality has these taxes) Street Light and Real Estate Taxes.

**Sol Wolf** provided the guideline he would like to follow for the Public Hearing. He mentioned the advertising that had been completed for the Hearing and the availability of the ordinance in the Township office for review by the public. He then reviewed the contents of the Ordinance and the procedures that would be used to collect the taxes, costs charged to the Twp for the service and the process used to disburse the funds to the municipality. The Twp's decision not to utilize Keystone for this collection was based on the savings when compared to the County Treasurer's costs. The agreement with the County Treasurers Office is for a one-year period and will automatically renew unless either party notifies the other, by July 1<sup>st</sup>, the agreement is no longer needed for the next year's taxes. Sol Wolf said they would like to hear any questions or comments the public might have at this time.

The public had no comments or questions at this time. Sol Wolf looked to the Board members for any questions or comments. Suv Brensinger asked about the bonding. The Twp cannot secure the bonding as we are not doing the collecting. Is this something that will be worked out by the County Treasurer's Office? Sol Wolf agreed the Treasurer's Office will deal with the bonding issue. The cost will have to be paid by North Lebanon Twp. However we do not at this time know how this will be worked out. It could be NLT paying their bonding costs for a single bond or participate in an all encompassing bond that the Treasurer's office would then bill accordingly for our fair share. When Suv Hawkins questioned the municipalities who are not using the County Treasurers' Office for this service, Sol Wolf explained some municipalities are still using individual tax collectors. They also have the choice of using Keystone for the collection of these taxes or join us in the future by signing this same agreement, at this same time of year, for the County Treasurers' services.

**MOTION** was made and seconded to adopt Ordinance 5-2008 pertaining to the Intermunicipal Agreement with the County Treasurer's office for collection of Street Light and Real Estate Taxes by signing the agreement subject to working out the details regarding bonding, as set forth in paragraph 7 of the Intermunicipal agreement. Unanimously carried.

The Public Hearing portion of the meeting was ended and the regularly scheduled Board of Supervisors meeting resumed at this time.

**APPROVAL OF MINUTES**

**MOTION** was made and seconded to approve the minutes from September 2, 2008. Unanimously carried.

**APPROVAL PAYROLL and PAYMENT OF INVOICES**

**MOTION** was made and seconded to approve payroll, invoices for payment subject to audit. Unanimously carried.

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**FIRE CHIEF'S REPORT****A.) Update on North Lebanon Fireman's Relief Assoc**

Mgr Grumbine mentioned she had spoken to Chf George Gettler of the Rural Security Fire Company. He reported the North Lebanon Fireman's Relief Assoc is up and running. The split with the North/South Assoc is now complete other than the Audit that is required. The 2008 annual allocation will be distributed in increments of \$15,000 to each of the four fire companies. The receipt of a sales tax form is outstanding but everything else seems to be up and running. The State Audit is still needed to totally dissolve the North/South Assoc. Mgr Grumbine said Chf Gettler reported the Audit will be conducted at the beginning of next year which is the usual time the audit is performed.

**CHIEF OF POLICE REPORT - Harold Easter****A.) Calls for Service – August 2008**

The total calls for service in the month of August were 369 with Friday being the highest day for calls. Chf Easter mentioned a few of the types of calls received and the total amount of miles logged on the vehicles. Suv Hawkins questioned if the information the Board is given each month includes the Code Enforcement activities of Office Wengert. Chf Easter replied it is listed under the topic of Ordinances. Some of these activities include contact by officers other than Office Wengert.

**TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine****A.) Regional Planning for CLSD**

The regional planning meeting for the CLSD has been scheduled for Monday 9-29 @ 6:30pm at the North Cornwall Municipal Building. The Planning Commission asked Charlie Allwein to be their representative. Suv Hawkins will be attending along with Mgr Grumbine on behalf of the Board of Supervisors. The Board will be given an update on the issues discussed.

**B.) Resolution No. 18-2008; Part 2 of Application to County for \$25,000 Grant**

As part of the application to the County for \$25,000 grant funding in regards to the Lenni Lenape Park, the Board is being asked to adopt Resolution #18-2008 which confirms their commitment to the grant application. The Resolution will then be forwarded to the County as required. Previously the Board had been asked to approve the application and the next step is now to adopt a formal resolution.

**MOTION** was made and seconded to adopt Resolution No. 18-2008 as the second step in the County Grant process. Unanimously carried.

**C.) Burning Restrictions for NLT**

During previous meetings the issue of the burning Ordinance for the Twp had been discussed. At the Board's request the Recycling Coordinator has obtained copies of Open Burning Ordinances listed in her MEMO dated September 10, 2008. During conversation with South Lebanon Twp it was indicated they had actually banned burning in July of 2003 with very little opposition. South Leb allows burning only in the Ag district and then it can only be non-recyclable items or farm related such as fence rows.

Donald Steiner, Fire Chief at Weavertown Fire Company, also provided some information for the Board to consider on this subject. Mgr Grumbine said this information was provided to the Board so they can determine what the next step will be for her to follow. Do they wish to pursue this subject or what is the next step to happen? Would the Board like to conduct some type of survey on this issue? Chm Brensinger stated he would like to see what some of the opinions are from the rest of the community. He would like to see some type of informal survey completed to get feedback on this issue. Mgr Grumbine said she would draft a survey and provide for the Board to review. The survey could be a part of the January newsletter. Suv Artz said he agreed with Suv Brensinger about getting feedback from the residents on this issue. After some conversation it was decided to move forward with a survey in the January newsletter to get public input on this issue.

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**Burning Restrictions for NLT (con't)**

Suv Hawkins and Suv Brensinger discussed some of the ordinances that had been provided from neighboring municipalities. Suv Hawkins mentioned there were bits and pieces of each ordinance that made sense to her. Suv Brensinger agreed the idea would be to tailor an ordinance to fit North Lebanon Twp if it is decided to revise the burning ordinance.

**SOLICITORS REPORT - Frederick S. Wolf****A.) N 11<sup>th</sup> Avenue RR Crossing**

Sol Wolf stated this argument was held in the Commonwealth Court last week. He anticipates it will now be at least 6 months until a decision is made and announced.

**B.) Stormwater Easement Agreement – John Joseph PA Realty Inc.**

A draft of an agreement has been prepared in regards to Lot #3 of the LVEDC Industrial Park. A copy was provided to their Attorney for review. This agreement will be recorded along with the Land Development Plan for this Lot.

**C.) Truck Traffic Agreement; Kreider's Property – Tunnel Hill Road**

Sol Wolf reviewed the previous history of this property and the Land Dev Plans that had been submitted in the last few years. The issue has always been the large trucks required for the chicken business and the ability to negotiate the turn off of Tunnel Hill Road and into the lane to the farm. Lebanon County Planning had Kreider perform a demonstration using the trucks and the demonstration was taped. Lebanon County Planning has indicated they are satisfied with the results of the demonstration. Because the determination has been made, the plan will now be able to proceed. Safeguards concerning these large trucks will be put into place which must be acceptable to the Twp. Sol Wolf has been working on a draft agreement that will address the entrance/exit of these trucks while remaining in the right-of-way. Also the trucks will be required to exit to the east and use Rte 72 when leaving the Kreider property. All the conditions that were demonstrated during the actual demonstration will be required to be followed and will be contained in this agreement. Enforcement of the conditions within the agreement will be court actions. That way the court decides the type of penalty that will be enacted should any violations occur.

Sol Wolf will share a copy of this drafted agreement with Matthew & Hockley when the agreement is completed to the Board's satisfaction. The completed agreement will be recorded along with the Land Development Plan by Lebanon County Planning. There were some comments and discussion from members of the public. Sol Wolf advised anyone who has questions to attend the regularly scheduled meetings of the Planning Commission to follow the progress of this plan. Mgr Grumbine stated the plan will be carried on the agenda of the Planning Commission every month. Whether or not there is much discussion is determined on what happens in the course of the preceding month. This plan will not be on the Supervisors' agenda until the Planning Commission and County Planning have decided to recommend the plan for approval. Mgr Grumbine agreed to run the CD covering the truck demo @ the next Planning Commission meeting for those interested in viewing.

**D.) Code Enforcement Issues – 2 Complaints Filed – Outstanding Invoices**

Sol Wolf told the Board he is working with Officer Wengert to resolve the 2 remaining outstanding invoices regarding code enforcement violations. He mentioned Officer Wengert had provided their Supervisors with the first quarterly report and will become a routine report.

**E.) Ordinance Updates for 2008**

Sol Wolf mentioned it is the time to begin the annual review of the ordinances to see if any revisions are needed. He and Mgr Grumbine have begun working on this project. He asked the Supervisors to provide any comments or requests pertaining to the ordinance revisions to Mgr Grumbine. Once a draft is completed the Board will receive a copy for review and discussion.

**F.) Pertinent Issues**

**1. The Keystone Agreement** which had been approved and signed previously by the Chairman will be presented to the EIT Executive committee.

**COMMENTS FROM BOARD MEMBERS****A.) Complaint RE: Valspar Trucks using N 25<sup>th</sup> Street for Access; Signs to be Installed**

Discussion about the signs for the Valspar plant at previous meeting has resulted in additional signage being needed. Ed reported the signs have been ordered and received, at Valspar's expense, and will be installed. He stated the PA ONE CALL had been completed just today.

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

Respectfully Submitted,

Theresa L. George  
Recording Secretary