

**MINUTES
NORTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS
DECEMBER 19, 2005**

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
Dawn M. Hawkins.....	V-Chairperson
Edward A. Brensinger	Treasurer
Cheri F. Grumbine	Township Manager
Solicitor Frederick W. Wolf	Henry & Beaver, LLP

Also in attendance was: Al Winn of the Patriot News, Sarah Barry of the Lebanon Daily News, and many other individuals.

Chp Artz explained there is a Public Hearing scheduled for this evening at 7:30 PM. The regular meeting will proceed until that time and then we will dismiss to start the Hearing. After the Hearing is finished we will reconvene to the regularly scheduled Supervisors' meeting.

COMMENTS FROM THE PUBLIC

A.)Bruce Sattazahn – Parking on R-O-W

Mr. Sattazahn told the Board he still has a concern about Roberto's Towing. The lower road, which is a very narrow passage under the best of circumstances, was even more dangerous with the snow and the vehicles that were parked there. He noticed with the recent snowfall, when the plowing had been done the plow had to circle out around the parked vehicles in order not to hit the vehicles. Sattazahn mentioned he had thought this would be addressed along with the other issues when this situation went to court. Sol Wolf told him that was the reason he had asked Sattazahn to appear at the hearings. The Judge would have taken his comments under consideration. The issues the Twp had with Roberto did not pertain to the issue Sattazahn is now discussing. More conversation followed about the area and the difficulties in the area.

Chp Artz stated that this is something they would need to discuss with the Chief. If the Police do not think they could resolve this then the Board might have to take a look at the Ordinance. The area could not be posted with no parking signs unless it is covered in an Ordinance to do the posting. Sattazahn repeated he feels it is a safety issue, as 2 vehicles are not able to travel in the area as it is now being used.

B.)Charles Allwein – Leaf Collection

Mr. Allwein told the Board he is speaking on behalf of himself, his wife and several of his neighbors when he expresses their appreciation for the leaf collection services the Twp offers. He said it was a good job that had been done. Suv Brensinger thanked Mr. Allwein for his positive comments.

APPROVAL OF MINUTES

MOTION: Was made by Suv Hawkins and seconded by Suv Brensinger to approve the minutes from December 5, 2005. Unanimously carried.

APPROVAL PAYROLL, PAYMENT OF INVOICES, FUND BALANCES

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

CHIEF OF POLICE REPORT – (Read by Chp Artz)**A.) Recognition of Chf Kim Wolfe**

Chp Artz explained Chf Wolfe could not be at the meeting this evening. However the Board wanted to recognize his years of service with the Twp. A plaque will be hung in the hallway to recognize Kim Wolfe. Kim has chosen not to have his picture on the plaque however the language is recognition of his 26 years of service. Also he will be presented with a watch containing an inscription. Kim Wolfe will become the District Judge beginning in January of 2006.

B.)Sgt Donald Wengert - Resignation/Retirement

Chp Artz stated that as the Chief of Police is absent this evening he would read a couple of the issues listed on the report. The first item is the resignation and retirement announcement from Sgt Wengert. Sgt Wengert had been with NL Twp for many years, left to go to Florida for a while and then returned to the NL Police force. He said he couldn't recall the exact number of years of service that Sgt Wengert has put in. His retirement is effective January 30, 2006.

MOTION: Was made and seconded to accept Sgt Wengert's resignation. Unanimously carried.

Suv Brensinger and Suv Hawkins stated that it is with much regret that they accept Donald Wengert's resignation. However they wish him well with his new ventures.

C.)Det John Leahy - Resignation

Chp Artz reported that there was another resignation submitted to the Board. Det John Leahy has submitted his resignation, not retirement, effective 1-02-06. He will be leaving to become the Chief of County Detectives. Chp Artz asked his fellow Board members to voice their wishes on this resignation.

MOTION: Was made and seconded to accept, with much regret, the resignation of John Leahy. Unanimously carried.

All Board members expressed their good wishes to John in his new endeavors.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine**A.)Resolution No. 17-2005 – Disposition of Certain Municipal Records**

The Board is being asked to approve Resolution No. 17-2005 that outlines certain Municipal records to be disposed of. All items listed meet the requirements of the Municipal code.

MOTION: Was made and seconded to approve Resolution No. 17-2005 for disposition of certain records. Unanimously carried.

B.)Resolution No. 18-2005 – Adoption of All Funds Budget for 2006

The annual budget has been advertised. Resolution No. 18-2005 was read aloud by Mgr Grumbine. This Resolution will adopt the 2006 All Funds Budget, setting the tax provisions and special levies for the fiscal year ending December 31, 2006.

MOTION: Was made and seconded to adopt Resolution No. 18-2006 adopting the All Funds Budget for 2006. Unanimously carried.

C.)Resolution No. 19-2005 – Adoption of Revised Safety Manual

The Safety Committee has been working on revising sections of the existing Employee Safety Manual.

Adoption of Revised Safety Manual (con't)

All the revisions have now been completed and the Board is being asked to adopt the newly revised Safety Manual. After the Board takes action the revised manual will then be distributed to all the employees.

MOTION: Was made and seconded to adopt the revised Safety Manual for the NL Twp employees. Unanimously carried.

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

Solicitor Frederick Wolf - Ordinance # 5-2005

Chp Artz explained the Public Hearing that was scheduled would now begin. Solicitor Wolf will be conducting the Hearing. Sol Wolf explained all the legalities that were followed in preparation for this Public Hearing. He outlined the procedure for the meeting. An explanation of the proposed Ordinance will be read. A question and answer period will follow. Anyone wishing to comment is asked to wait until they are recognized and then state their name and address before speaking.

Lebanon County Planning had received a copy of the draft in order to review any applicable portions. Any comments they might have had were considered. NL Twp Planning Commission also had an opportunity to review any of the Zoning portions. Their recommendation to the Board was to adopt this Ordinance. Sol Wolf proceeded to review the whole Ordinance by reading it out loud a section at a time.

Some changes were required by the Internal Revenue Code to Pension issues. Any revisions made were completed according to these requirements. In regards to the Police Pension the Police Assoc was given the opportunity to review any changes and offer their comments, which they did do. Some definitions were added to the burning portion of the Ordinance. Highways, motor vehicle traffic and signage for the highways are also listed in a portion of the ordinance. Strong waste discharge is another issue contained in one of the sections. This is regarding any privately owned pumps, particularly businesses and the required maintenance of the pumps.

Another minor issue is regarding the trash and recycling receptacles. The securing of the containers is addressed in this revision. Plan submission for developing is being revised regarding the neighbor notification process. Revisions to some of the definitions for agricultural zoning and districts are being addressed in this Ordinance. Some Zoning issues are being revised or added per this Ordinance. Day Care Centers and Home Child Care definitions are being addressed, which previously had not been. Some permitted uses for zoning districts are also being reviewed in this Ordinance.

Donald Haag – Weavertown Road

Mr. Haag questioned the trash/recycle container requirements. Sol Wolf explained there have been several times throughout the years that problems within neighborhoods had arisen due to the trash and recycled products spilling out of or being blown out of the containers because they were not secured. The surrounding neighbors complain to the Twp and there is not enough definition in the Ordinance for the Twp to pursue these issues. With additional language added to the Ordinance the Twp staff will now be able to enforce these problems when they are reported. Haag said he is also in disagreement with the Neighborhood Notification process during plans submissions. Some conversation followed about the timing requirements and the plan submission process. Haag repeated he is not in agreement with what is being proposed.

Sol Wolf asked Mr. Haag if he is asking the Board to eliminate this portion of the Ordinance update? Haag responded that just rewording the language would suffice.

Ordinance # 5-2005 (con't)

When asked about the County requirements, Mgr Grumbine replied North Lebanon Twp is the only one in this area that has this type of notification to neighboring property owners. Conversation followed about some scenarios that could occur. Mgr Grumbine suggested the term of years might be revised. Mrs. Haag asked about the advertising of the Ordinance updates. How is the Board able to act on something that has not been made public? Or is this hearing considered being made public? Sol Wolf responded that this is the time for the Public to make any comments they would like the Supervisors to consider. If there are portions of the Ordinance that are to be determined to be eliminated or some wording changes to be made, the changes are able to be made before approval from the Board. There is not a requirement for a second hearing because the hearing tonight is the public's opportunity. If there were changes made that would change the material content of the Ordinance, a new hearing would have to be advertised and held. To eliminate an issue or re-define a definition would not require a new hearing. After discussion it was decided to set a time period of 1 year for the Neighborhood Notification process.

Martin Barondick – New Street

Mr. Barondick said he has a question that is not contained in this Ordinance but is somewhat related. Has the Board ever discussed passing an Ordinance that would prevent burning in the Twp? Sol Wolf said it has been brought up several times for many years but nothing has ever been decided on. Suv Hawkins asked Barondick if he is in favor of or against this idea. He replied he is not really sure what he thinks. Personally he still burns what he is permitted to burn. However he has neighbors that burn everything. They even have people who bring their items from the City of Lebanon to burn here in NL Twp. Barondick said this is the situation of a few people making it bad for the rest of us.

Chp Artz explained that the issues discussed in this Ordinance update are mandates made to the Twp from DEP. Because the Twp takes advantage of the Grant money offered, we have to adhere to the mandates of DEP. Suv Brensinger said the only time the Supervisors place a burning ban is during a drought emergency and that is usually issued by the Commissioners when a countywide ban is placed.

Suv Brensinger told Sol Wolf he has a question about one of the speed limit signs mentioned in Roman Numeral V for Narrows Drive and Brook Drive. There is an area of approximately one block from Brook Dr to Rte 422. Why would the speed limit not be kept the same for this one block area? Sol Wolf and Mgr Grumbine explained this was done according to State guidelines in conjunction with the Narrows Glen development. When it was decided to lower the speed limit in the school area the State allowed for a Residential district to be established. Some of the area between Brook Dr and Rte 422 is Commercial zoned. A lot of discussion followed on this issue.

Chp Artz questioned the portion of the Ordinance that referred to sewer pumps on private properties. Whose responsibility is it to maintain those pumps? Sol Wolf explained this became necessary because there are property owners who have pumps to service their property but are not maintaining the pumps properly. An example is Spruce Park.

*******Public Hearing Ended at 8:20 PM and Regular Meeting Resumed*******

At this point Chp Artz spoke to his fellow Board members asking for their opinions on Ordinance No. 5-2005 dealing with various updates. Suv Hawkins said she agrees with Suv Brensinger about including the one block area for posting of 25 MPH speed limit from Brook Dr to Rte 422. A discussion followed between the Board members and Sol Wolf. It was agreed to have the speed limit from Weavertown Rd to Rte 422 posted at 25 MPH.

Suv Hawkins mentioned the Neighborhood Notification process during Plan submission. Various language options were discussed. It was decided to reduce the number of years to 1 year as opposed to a 5-year limit.

Ordinance # 5-2005 (con't)

MOTION: Was made and seconded to approve Ordinance No. 5-2005 conditional on the 2 revisions discussed, speed limit from Weavertown Rd to Rte 422 at 25MPH and the 1 year time period during the plan submission process for Neighbor Notification, being corrected. Unanimously carried.

D.)Update from Lebanon Co. Agricultural Land Preservation Board

The Lebanon County Agricultural Land Preservation Board has provided a notice of the intent to preserve the lands of Robert and Anna Cowden (Mt Zion & Prescott – Grubb) property. The County Commissioners will be considering this issue at their December 29th meeting. They are asking the Board to provide any comments they might have no later than December 23rd.

E.)Change Order #1 & #2 - NLT Building Expansion

Change Order #1 – is a deduct order in the amount of \$812 to eliminate doorframe and hardware at the northeast corner of the shop area.

Change Order #2 – is an add on in the amount \$7428 to provide labor, materials and equipment to provide and install a canopy over the new Police entrance. Chp Artz informed the public the change order is necessary due to an oversight regarding the new Police entrance. The Board is being asked to sign both orders and forward to the contractor.

MOTION: Was made and seconded to approve both Change Orders # 1 & 2. Unanimously carried.

SOLICITORS REPORT – Frederick Wolf**A.)Spruce Park Determination**

Sol Wolf reported he is waiting for a check from the Attorney for Cornwall – Lebanon School District. Once their half of the advertising costs are submitted he will proceed with listing the property for sale.

B.)George Hardick Property – Mt Zion Rd

Sol Wolf reported the Hardick building is moving at a snail's pace. The contractor reported to Sol Wolf that the materials for the roofing are ordered and once it is received he will begin work on the roof. Sol Wolf and Mgr Grumbine feel a visit to the Hardick property for an inspection is necessary. It appears there is more scrap metal and "stuff" being brought onto the property. A determination of whether or not the building being erected is large enough to contain all his items will also be discussed with Mr. Hardick. Sol Wolf invited the Board members to attend this visit if they so wish.

C.)Cell Tower Lease Agreement

Sol Wolf informed the public the Twp has been approached by a Cell Tower company (Omni Point) to place a communication tower on the Twp property. A drafted agreement has been provided to the Board for their review. Sol Wolf explained some of the details of this proposal. There are various approvals needed before this agreement can be entered into. Sol Wolf reviewed some of the details in the agreement. One of the approvals is from the Twp's Zoning Hearing Board. A Zoning Hearing is scheduled for 12-27-05 @ 7:30 PM. Mgr Grumbine and Sol Wolf agreed there should be Board representation at the Hearing.

Paul Kale Jr. – E Lehman Street

Mr. Kale questioned if the tower would be in a fenced in area. He was told the company, Omni Point, would be responsible for fencing the area in. What is the height of the tower? He was told 150' which is higher than the trees.

Charles Allwein – Martin Dr

Mr. Allwein asked if the Twp could enter into agreements with other companies to occupy tower usage. Could the Twp advertise for other franchises to see what offers we would get?

MOTION: Was made and seconded to agree to the terms listed in the lease agreement provided from Omni Point and approval is conditional on all approvals and/or recommendations coming from the Zoning Hearing Board. Unanimously carried.

E.) Lebanon City Municipal Authority Take Over

Sol Wolf reported on the meeting that had been held by the City of Lebanon. Suv Brensinger had attended and was given the opportunity to speak on behalf of NL Twp residents and the concerns the Supervisors have regarding this subject. The Council did take action to approve the Ordinance that would allow the take over action. Sol Wolf also reported that there are several outside municipalities that have decided to jointly take action against the City of Lebanon by contracting with a PUC attorney. The costs of this legal action for each municipality will be determined by how many decide to take this course of action. It could cost NL Twp up to \$1500. The PUC is now involved as the Mayor and the Council will have to appear before the PUC as a part of the process they have now decided to follow.

MOTION: Was made and seconded to authorize spending up to \$1,500 and to enter into litigation, along with other Authorities and Municipalities, against the City of Lebanon before the PUC in order to protect the interests of the Township, the Authority and the residents of NL Twp. Unanimously carried.

COMMENTS FROM BOARD MEMBERS**A.)Suv Dawn Hawkins**

Suv Hawkins asked Suv Brensinger to please pass along to his department the comment that had been made earlier about the Leaf Collection. She also wanted to mention the years of service that Chf Wolfe has provided for the Twp. It is her opinion that he will do well in his new position as District Judge.

B.) Suv Ed Brensinger

Suv Brensinger said he would like to commend the Twp employees, the office staff in particular, on the good job they do putting together 2 Christmas packages. One family from each elementary school is provided with these packages. This is an annual project the employees enjoy.

Suv Brensinger said the Twp is undergoing many changes right now. We have undergone several changes before and given time to work out everything will fall into place.

C.)Chp Ken Artz

Chp Artz stated this is the last meeting for this year. He wished everyone a Happy Holiday season and a Happy New Year for 2006.

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

Respectfully Submitted,

Theresa L. George
Recording Secretary