

**MINUTES
NORTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS
FEBRAURY 6, 2006**

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:

Dawn M. Hawkins	Chairperson
Edward A. Brensinger	Vice-Chairperson
Kenneth C. Artz	Treasurer
Cheri F. Grumbine	Township Manager
Harold Easter	Chief of Police
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 Hawkins stated the order of the meeting will be slightly different this evening. Sol Wolf is in attendance and he has another meeting he must attend this evening. So in order for him to not be late, his report will be given first.

APPROVAL OF MINUTES

MOTION: Was made and seconded to approve the minutes from January 3, 2006 and January 16, 2006. 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.

Fred Morrisey

A question was raised about the procedure the Supervisors are following. The question was raised why the minutes are not being read. Sol Wolf explained the Board of Supervisors is permitted to establish the policy they want to follow for conducting the meeting. The "Roberts Rules of Order" was mentioned. Sol Wolf disagreed saying the Supervisors are able to choose how the meeting proceeds and this policy was established many years ago. Al Winn of the Patriot News stated that there are no municipalities in the County that read the minutes during the meetings. Morrisey stated he does not feel the meeting is being run properly according to "Roberts Rules of Order".

SOLICITORS REPORT – Frederick Wolf

A.)George Hardick Property – Mt Zion Rd

Sol Wolf reported that Mr. Hardick is not in compliance with the court orders. As of today, the Supervisors may now contact a salvage company to look at the property and contents of the property that may be removed and salvaged. An estimate of the salvaged property would be received and the proceeds would be used to cover the expense of the salvage company. Any remaining money would be returned to Hardick. The building that has been under construction for the last few months is now under roof. Any property he is intending to keep must be placed inside the building. The sides of the building have not been constructed as of yet. This should also be finished this month.

B.) Spruce Park Determination

Sol Wolf received contact from one of the persons involved with this collection procedure. The individual was trying to obtain the amount of money owed for this collection. Sol Wolf stated it is possible this matter may finally be settled before the Sheriff's Sale becomes necessary.

C.) Cell Tower Issue

Sol Wolf reported the attorney representing one of the neighboring properties contacted Sol Wolf today in reference to the cell tower issue. Once the decision is handed down from the Zoning Hearing Board, this attorney indicated his client intends to appeal the ZHB decision. There have been other people who have expressed an interest in the appeal process. As of this date the written decision has not been handed down from the Zoning Hearing Board. When Sol Wolf contacted Lebanon County Planning, he had been informed the written decision is being worked on and will be handed down shortly.

COMMENTS FROM THE PUBLIC

Chp Hawkins stated the Comments from the Public will be addressed by beginning in the front of the room and proceeding to the rear. That way anyone who wishes to speak will have the opportunity to speak in an orderly fashion. She reminded everyone to state their name and address before making their comments.

Charles Allwein – Martin Dr

Mr. Allwein told the Board he had requested at the last meeting that the trash containers at Lions Lake Park be emptied. He said they were taken care of the next day and he wanted to express his appreciation for the prompt action.

Keith Hartman – N 7th Street

Mr. Hartman said he would like to ask some questions about a letter he received concerning the placement of a cell tower. As a father he is concerned about the health risks that are mentioned in the letter. He questioned if the Twp had looked into any of the risks involved or is this merely a monetary venture for the Twp? It seems there should have been studies performed since this is the most densely populated area in the Twp, according to Hartman.

Chp Hawkins said she would like to comment on the letter that had been distributed. She said she had received the same letter and when reading through some of the information she realized that at least half of the information was false. Also when someone distributes information such as this and does not sign their name, it makes you wonder whether or not the information is creditable. Chp Hawkins discussed several of the items contained in the letter. This issue has not been decided. The Zoning Hearing Board has not even handed in their written decision as yet. Once the decision from the ZHB is handed down, an appeal is already planned and the issue will go directly to the courts. That means the whole issue is totally out of the hands of the Supervisors. Chp Hawkins asked Sol Wolf to expand on this explanation.

Sol Wolf stated that Atty. Greer Anderson, of Riley Wolfson, had indicated to him that once the written decision is completed by the ZHB, his client is intending to file an appeal immediately. Once an appeal is filed on a Zoning Hearing decision, the issue goes to the local court system. Atty. Anderson's client is Tom Stewart who is a local resident.

Cell Tower (con't)

Anyone who has an interest in this appeal should contact Mr. Stewart. Any concerns expressed to Mr. Stewart and his attorney would be entered into the appeal process. The Twp is not permitted to enter into any contract with the cell tower unless the courts approve the Zoning Hearing Board decision. Should the court overrule the ZHB decision, the issue is then dead. The Supervisors cannot then approve the placement of the cell tower no matter what. If the court approves and upholds the ZHB decision and/or add new conditions to the ZHB's conditions already listed, the issue then would come back to the Supervisors for action.

Mr. Hartman then voiced his concern that this letter was the first he had heard of this issue. Several years ago when the properties along 7th Street were rezoned, signs were posted and letters were received by the property owners to notify them of the issue. Someone mentioned that this issue had been discussed several times at previous meetings and it had been mentioned in the Newspaper several times. Sol Wolf explained the Zoning Hearings are scheduled through Lebanon County Planning. Typically what is done then by County Planning is that letters are mailed to property owners within a certain radius.

David Hull – 867 Kimmerlings Rd

Mr. Hull started his remarks by saying he has heard a lot of what Sol Wolf said but he did not understand most of it. He does not know much about this issue at all. Did the cell phone company go to a property owner somewhere and ask about placing a tower on the property and then someone else decided they did not like the idea? Sol Wolf told him the proposal was to place a cell tower on the Twp property. Hull then asked who is the final authority that determines whether or not this thing gets placed?

Chp Hawkins said she wanted to try to explain the process so that he could understand. The cell tower company came to the Twp and offered to place the tower on Twp property. A lease was provided with terms for leasing the property. A Zoning Hearing was scheduled and the ZHB made a decision with stipulations attached. A written decision, which is required, has not been completed to date. All 3 Supervisors were in attendance at the Zoning Hearing meeting and heard the verbal decision. However the decision must be a written decision and this has not been completed yet. A nearby property owner has decided to hire an Attorney and appeal the decision that was verbally announced at the hearing. Once the written decision is provided, this individual is able to file their appeal. Once an appeal is filed, the Supervisors have no authority whatsoever over this issue. The Judge will make a determination of whether or not the Zoning Hearing Board decision, with its stipulations, should be approved or overturned. If the Judge overturns the ZHB decision, the issue is dead. There would be no cell tower. If the Judge determines the approval should stand the issue will then come back to the Supervisors for their decision.

Mr. Hull stated he does not agree with the statement that the Supervisors cannot do anything at this point. In the end it is their decision. Why not take a stand right now and say we do not want this cell tower, asked Hull? Hull said the majority of the residents are telling the Board they do not want this tower erected. Why would they not just say they do not want this issue to go any further? Chp Hawkins said there are only a handful of residents here as opposed to 11,000 residents in the Twp. With the procedure this issue has to follow, this issue might never come back to the Board and if it does it could take 6 months. Hull asked if they (the Board) are ready to tell the company NO. We do not want the cell tower.

Cell Tower (con't)

Chp Hawkins told Hull the best course of action is for the residents with concern to get together and contact the person who is filing the appeal. Hull demanded that the Board state their opinions now, will it be yes or no?

Lynn Campbell – 1565 Jody Ave

Ms Campbell wanted to know if the decision was made by the Board initially to start this whole process? When the cell tower company approached the Twp and made this offer, couldn't the Board have said no then? Chp Hawkins agreed this could have taken place at that time. She went onto say there are already some cell towers located in our Twp and areas that cell towers could possibly be placed. She continued onto say that there are several municipalities that have cell towers on their properties. It is a source of revenue.

Dick Miller – 1785 Woodridge Ct

Mr. Miller told the Board they should just end this issue right now and say no to the cell tower. He disagreed with Chp Hawkins when she said a decision by the Supervisors cannot be made right now. Sol Wolf stated the Board of Supervisors agreed they would not make a decision until the Zoning Hearing Board prepared their written decision and they have had the opportunity to review the ZHB decision. Once the written decision is released, the typical process is to allow the appeal process to be completed and the court to rule. Miller insinuated there is some reason the Board does not want to end this issue now. Chp Hawkins disagreed saying the Board was in agreement not to make any kind of decision until the ZHB decision is released.

Pam Parr – 806 Patmar Dr

Ms Parr questioned how many residents do the Supervisors need to have in the room to make a decision? She reviewed the proceedings from the Zoning Hearing. Parr also informed the public that anyone is able to have access to the minutes from the meetings via the Internet. At the 12-19-05 meeting the Board had discussed and approved the terms of the lease offered by Omnipoint, with certain stipulations.

Jen Wagner - 1817 N 7th St

Ms Wagner questioned why this information was not printed in the Twp Newsletter that is distributed to residents? Although letters are sent to property owners within a radius, cell tower can be seen from miles around. Why was this information not in the last Newsletter? Chp Hawkins responded the request for the tower had not been made to the Twp when the last Newsletter was compiled, printed and distributed.

The question was asked why the Newsletter is not used to notify the residents of issues such as cell towers? She had asked this question during the water project, which had taken place a few years ago.

Cell Tower (con't)**Susan Subach – 925 Willow Ln**

Mrs. Subach questioned when exactly the Twp received the first request from Omnipoint? Chp Hawkins replied it was September. When does the Newsletter get distributed? She was told in the Fall and Spring of the year.

Edith Brown – 802 Willow Ln

Ms. Brown asked what the Board actually knows about Omnipoint, the company itself? Chp Hawkins stated some information was received from other Twp residents. Other than that the Twp has not had any dealings with them before. Brown asked if there had been any background investigations done on Omnipoint by the Twp? She was told, no, there were not any background investigations completed on Omnipoint. Is the lease offered for a 3-year period? Chairperson Hawkins stated no and that is one of the items mentioned in the letter that is incorrect. Brown then asked if the amount of money received from the tower would offset the tax base? Have the health risks been investigated by the Twp? She was told the research at this point has just begun. Ms Brown's next question was in regards to the Police, Fire and EMA services. How would the tower affect the emergency frequencies? Chp Hawkins stated that the municipalities that were contacted had no interruptions of service involved.

Andrew Weidman – 806 Patmar Dr

What studies did the Twp do when reviewing the health risks involved with cell towers? And who performed the studies? Chairperson Hawkins stated the FCC website had been used but she herself has not reviewed all of the information. Chp Hawkins pointed out that the internet could be used to get any information you want to substantiate what you want substantiated. Weidman questioned the intelligence of using the FCC website to get impartial information on this issue.

Wayne Crawley – 1716 N 7th St

Mr. Crawley stated he had lost his wife in 1985 due to cancer. He does not want to loose another person to cancer. He does not wish to see anyone have to loose a person due to cancer. He asked the Supervisors to please do their homework and get it done.

Wendy Schucker – 1138 Kochenderfer Rd

Mrs. Schucker questioned why we need any more towers in the Twp if there is already some existing? Suv Artz replied the cell companies desire for more coverage. Schucker stated she is perfectly happy with her coverage. She does not need any more. Schucker agreed the internet would provide any information to you that you want. When the issue of radiation came up Suv Artz pointed out the devices in the family home that produce radiation; microwave, cell phones, television etc. Mrs. Schucker told the room the FCC regulations; section 704 states that cell towers may not be denied citing health concerns as a reason.

Schucker challenged the Board about her property. She asked if her property value goes down will her taxes go down also? Suv Artz replied it has not been proven that her property values will decrease.

Cell Tower (con't)

Chp Hawkins questioned how many people in the room have cell phones in their possession right now. The public did not respond to this question saying it is their choice to have a cell phone or not. A request for the definition of a variance was made. Sol Wolf responded it is, in this particular case, permission to allow something that is not typically permitted in a particular zone. It is to vary from the Zoning provisions. When asked who requested the variance the answer was given it was Omnipoint who filed the request for the variance.

Tom Stewart – 1750 N 7th St

Mr. Stewart questioned if there is anyone in the room that is in favor of this cell tower? One individual indicated he was in favor of the tower placement on Twp property. Stewart asked what Zone permits the placement of a cell tower? He was told there are not any zones that allow it due to height restrictions. Sol Wolf added the use might be permitted but the height allowance would require a variance.

Pam Parr

Ms Parr asked the Board what would happen if someone else, in this area, decides they would like a cell tower in their backyard? Chp Hawkins replied they would need to go through the variance process just like Omnipoint did. Parr asked if the final decision is the responsibility of the Supervisors to make in that situation. Chp Hawkins responded, no. The Supervisors would not have a say in someone else's request to the ZHB. It would have to be appealed by somebody who did not want the tower. The Board could also file an appeal if they chose to. The discussion turned to the location of the other towers in the Twp.

Edith Brown

Ms Brown questioned if a petition signed by the residents would be helpful? Suv Brensinger said he thought it would be a good idea to provide the petition to the Judge. Sol Wolf suggested that Tom Stewart's attorney Greer Anderson should be consulted as to the wording on the petition. He also suggested that a copy of the petition be provided to the Board of Supervisors.

Chp Hawkins thanked everyone for attending and offering their comments. She stated that anyone who would like to provide information on this issue could drop it off at the Twp. The Board would read anything submitted regarding this topic that is provided to them.

CHIEF OF POLICE REPORT – Harold Easter**A.)Hiring of 2 New Officers**

Chf Easter informed that the Police department has 2 open positions due to the resignation of John Leahy, who is now Chief of County Detectives, and the retirement of Donald Wengert. He introduced the 2 men who will be taking the open positions. Bradley Pflueger who is from Berks County and is in the process of relocating to Lebanon County. Stephen Gross who already resides in Lebanon County.

MOTION: Was made and seconded to appoint Bradley Pflueger and Stephen Gross as Police officers for NLT. Unanimously carried.

Hiring of 2 New Officers (con't)

A question was asked about the Detective position and how it will be filled. The answer was that the Chief would be making the decision of whether or not to promote from within and/or whether or not to fill the vacated Detective position.

B.) Hiring of Part-Time Code Enforcement Officer

Chf Easter announced that retired Sgt Wengert has agreed to serve as the part-time Code Enforcement Officer for NLT. His duties started on January 30th. Part of Officer Wengert's duties will be to serve as a part-time Police Officer also. The public questioned what a Code Enforcement Officer does? A Code Enforcement Officer will be responsible with the task of enforcing any Codes that are in the Twp Ordinance. Suv Brensinger said Officer Wengert would still have his Act 120, which means he will be able to help with speed enforcement and parking issues.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine**A.)Purchase of Used Cardboard Bailer**

Suv Brensinger has located a used cardboard baler, which was included in the approved 2006 budget under the Special Projects Fund. The money would be funded from our 904 Performance Grant. Supervisor Brensinger obtained information from 3 different vendors. The used model is a reconditioned model and has all the safety labels in place. Suv Brensinger told the Board that the used equipment could easily service the amount of bundling the Twp will be doing. Suv Brensinger is requesting the Board's approval to purchase the used piece of equipment at a cost of \$5975.

A question was asked what would be done once the cardboard is bundled. Ed stated that once it is bundled we would be able to market and people will pay for the recycled cardboard. A question was asked about the Recycling Trailer and not having it accessible all the time to residents. Suv Brensinger explained there was too much misuse of the facility. A Yardwaste permit allows access to the trailer during the yardwaste-scheduled hours. Once a month during the newspaper collection the trailer is placed outside the fenced in area for all residents' use.

MOTION: Was made and seconded to grant the Roadmaster's request to purchase a Used Cardboard Baler at the cost of \$5975. Unanimously carried.

B.)Veteran's Memorial @ NCCS

A discussion about the Veteran's Memorial located at the New Covenant Christian School had taken place last year at one of the Supervisors meeting. The thought had been to contact Ebenezer Fire Company and ask about placing it on Fire Company property. A response was received from the Fire Co that their grounds are too limited. The Board was also looking at placing the Memorial at the Veteran's Garden at Lions Lake Park or at the main building both locations having a flag with proper lighting. Some discussion took place about this project. Mgr Grumbine had contacted Dr. Diebler of the NCCS and he has confirmed their full cooperation in having the Memorial relocated to Twp property. The Board agreed that some research should be done and that the World War II Veteran's Memorial should be relocated.

C.) "Kick-off" Meeting on Comprehensive Park & Recreation Plan

Tuesday February 7th at 7 pm a "kick-off" meeting will be held at the NLT Municipal Building regarding the Comprehensive Park & recreation Plan. All newly appointed members of the Committee will be present and the public is invited to attend and offer their input.

D.) 2005 Zoning Administration Report

Lebanon County Planning Dept has submitted the Annual Zoning Administration Report for 2005. The report indicates a total of 272 permits issued for 2005. Of those 272 permits 78 were for single-family dwellings; 30 additions; 138 accessory construction, 6 commercial/industrial and 3 institutional permits. There were 12 ZHB hearings during 2005.

E.) Adjustment of Retirement Date

A letter of request from Sgt Wengert to adjust his retirement date from Jan 30 to Jan 6, 2006 was received. Mgr Grumbine is asking the Board for approval and she will take action to notify the Pension Actuary.

MOTION: Was made and seconded to adjust Sgt Wengert's retirement date from Jan 30 to Jan 6, 2006. Unanimously carried.

F.) Mobile Home Park License

A request for renewal of a Mobile Home Park was received from Northcrest Mobile Home Park. There are 2 remaining Mobile Home Parks that have not submitted their paperwork for renewal to this date.

MOTION: Was made and seconded to approve the renewal of a Mobile Home license for Northcrest Acres. Unanimously carried.

G.) LEBCO MPO's Long Range Transportation Plan

The Twp has received a copy of a letter sent on behalf of the LEBCO MPO, which outlines a Long Range Transportation Plan and the 2007 Transportation Improvement Program (TIP). The letter was sent to Barry Hoffman, District Engineer of PennDOT and outlines 5 projects.

H.) Update to Ordinance Book

Annually the Twp Ordinance Book containing Resolutions and Ordinances that are adopted within the previous year is updated. This provides easy access to all regulations when enforcement issues come up. A proposal from General Code Publishers to complete this update has been received. The amount of the proposal is \$2450 plus 2% fro shipping and handling. A CD will also be received so that the updated regulations can be posted on our website. Mgr Grumbine is asking the Board to authorize execution of the proposal so that the updates can proceed.

MOTION: Was made and seconded to contract with General Code Publishers for updating the Twp Ordinance Book. Unanimously carried.

I.) Resolution No. 3-2006 – Activate Street Lights Homestead Acres

Mgr Grumbine submitted Resolution #3-2006 to the Board for approval. The Resolution is for the activation of streetlights in Phase III of Homestead Acres and will be located on Harvest Dr and Hunters Chase Lane. After adoption of the Resolution, Met Ed will then activate the lights and the new lights will be included in the March 1 Real Estate Tax.

MOTION: Was made and seconded to adopt Resolution No. 3-2006 and authorize activation of the streetlights located in Homestead Acres Phase III of Homestead Acres. Unanimously carried.

J.) Agreement with Code Enforcement Officer/ Police Association

With the creation of a part-time Code Enforcement Officer position an agreement has been reached with the Police Association. The President and Secretary of the Association and also Officer Wengert himself have signed the agreement. The Board is being asked to sign this agreement.

MOTION: Was made and seconded to accept the agreement between the Police Association, Code Enforcement Officer and the Twp. Unanimously carried

COMMENTS FROM BOARD MEMBERS**A.) Suv Brensinger – Attendance at Supervisor Meetings**

Suv Brensinger stated his thanks to the people who attended this evening. The Board does appreciate hearing input from the residents. He mentioned that Martin Barondick does indeed make it a point to attend most of the meetings. Although most people cannot do that, it is the way to stay informed of what is transpiring in the Twp. It eliminates getting information second hand or through the rumor mill, which in most cases is misinformation.

B.) Suv Artz – Hearing by State Legislators RE: Authority Takeover

Suv Artz informed everyone he had attended a hearing this morning conducted by State Legislators regarding the City of Lebanon taking over the Water Authority. Senate Bill 1057 and House Bill 2356 is currently being introduced for legislation. The Bill defines permitting input from all municipalities that are involved in takeover issues, such as the one with Lebanon City right now. He was able to testify on behalf of a municipality that is and will be affected by this takeover. The Twp is involved in this issue because the residents are taxpayers and the monies are going into the City. As a taxpayer the residents have the right to know where this money is being placed. The water and sewer rates are affected by everything the City does with the Authority.

C.) Chp Hawkins – Police Dept

Chp Hawkins commented on the Police Dept being at full force now with the new hires. Also in addition we now have a part-time Code Enforcement Officer who will also be a part-time Officer. The Board has been working with the Police Dept for a long time and it is rewarding to see it becoming a reality.

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

Respectfully Submitted,

Theresa L. George
Recording Secretary