

**MINUTES  
NORTH LEBANON TOWNSHIP  
BOARD OF SUPERVISORS  
FEBRUARY 20, 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 .....	V-Chairperson
Kenneth C. Artz .....	Treasurer
Cheri F. Grumbine .....	Township Manage
Harold Easter .....	Chief of Police

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

**COMMENTS FROM THE PUBLIC**

**A.)Mike O'Donnell – MP O'Donnell Assoc**

Mr. O'Donnell explained to the Board he is trying to complete a Minor Subdivision Plan for a client. He and his client, Jerry Worrilow, are caught in a "squeeze". The problem is that this plan does not create a new building lot. So, in his opinion, a Planning Module is a very costly expense for his client when it is not required. The Twp does not accept a non-building declaration waiver. This waiver is written into the Twp's Act 537 plan however. At this point he is looking for any type of form to submit which would allow this plan to move forward. It has been idle for several months due to the Twp's policy of not accepting this waiver form. O'Donnell provided the Supervisors some information from DEP regarding an Ordinance that would allow the Twp to move forward with plan submissions in these situations when a Planning Module is not required.

Suv Hawkins questioned the size of the proposed lot being created. It was her impression it was not a lot add on and was a totally separate lot. O'Donnell explained this was to be a lot add on to one of Worrilow's neighbors. It will not be a separate lot. He told the Board that there would be restrictions placed on the deed and the plan itself, which would not allow for this to be sold as a separate lot. If in the future someone wanted to sell the lot, a subdivision plan and a planning module would have to be submitted at that time. The only other option O'Donnell could think of was to alter the width of the proposed lot add on 124' instead of the 133' now proposed. This would be 1' less than the required 125' width. While he understands the Twp's point of view he would like to move out on this issue for his client. Mr. Worrilow has been waiting for several months on this one sticking point. Suv Hawkins stated that the Board would ask the Solicitor to take a look at the information that he has provided.

**B.)Proposed Cell Tower - Omnipoint**

**Janet Krause – 831 Kimmerlings Road**

Ms. Krause said she is in attendance tonight to voice her objection to the placement of a cell phone tower. She cited health risks as the reason for her objections.

**Pam Parr – 806 Patmar Drive**

Mrs. Parr told the Board she is interested in learning what she needs to do to create an Ordinance for the Twp pertaining to cell towers. She said she has done much research on this issue and she has learned there are Ordinances that can be adopted that would control the areas that these towers could be placed.

**Proposed Cell Tower (con't)**

Mrs. Parr said she has also learned the Supervisors are in a difficult situation. The Federal government is saying the Twp must allow the communications company's placement of their towers or face the threat of legal actions. The residents are telling them we do not want these towers or we will take legal actions for health issues. Mrs. Parr said she has tried to place herself in the Supervisors' shoes as far as trying to find an answer for both sides. She has discovered a book that seems to have most of the answers to this difficult situation. Her suggestion is that the residents sit down with the Board and discuss an Ordinance that would control these applications for cell tower placement. A point was made in this book about the cell towers, in some locations, interfering with the local Police and emergency networks.

Mrs. Parr told the Board she has starting thinking it is time to work together, with the Board, instead of tossing accusations at each other about who is the enemy. Her suggestion is to try to sit down and discuss an Ordinance that could be adopted to control these applications as they come in to the Twp. She would like to know what she could do to get this procedure started. Mrs. Parr provided the Board with her copy of the book she kept referencing. One of the pieces of information, in the book, that upset her was the fact that the Supervisors could be listed personally in legal actions. She wanted to make the Board members aware of this fact. Chp Hawkins said the Board would talk to Sol Wolf and find out what he suggests.

**Wendy Schucker – 1138 Kochenderfer Road**

Mrs. Schucker stated she also has read the book that Parr has mentioned. In the back section of the book there is a sample Ordinance for municipalities to use for reference. She mentioned a moratorium on applications for the cell towers. This would buy the Twp some time, 3-6 months, from any future applications for tower placement within the Twp.

**Randy Mease – 1004 Kochenderfer Road**

Mr. Mease started his remarks by saying he also objects to the tower being placed on the Twp property. However he said he would like to try to keep an open mind on this issue. To date he has heard more bad than good about these towers. He questioned if every one of the Board members is in favor of the tower. He also asked about all the employees. Are they all in favor of the tower? Suv Artz told Mease the Board has not made a decision. The terms of the lease agreement were approved at a previous meeting but that is all that has been decided on. A decision will not be made until a written decision from the Zoning Hearing Board is received. This issue is at a standstill until the written decision is received.

**Martin Barondick – New Street**

Mr. Barondick said he would like to know what the difference is between a cell phone tower and the huge WLBR towers he has lived with all his life?

**Andrew Weidman – 806 Patmar Drive**

Andrew Weidman said the difference is the wavelength. How long it travels before it goes up and down again. The shorter the wavelength, the faster it penetrates flesh and makes changes.

**Tom Stewart – 1750 N 7<sup>th</sup> Street**

Mr. Stewart remarked on a statement made at a prior meeting by Suv Brensinger. The tower at N Londonderry Twp is approximately 1000 feet away from the building. He said it is located in an empty field with nothing around it.

**Proposed Cell Tower (con't)****Bill McMichael – 811 Kimmerlings Road**

Mr. McMichael voiced his objections to the cell tower due to medical and health issues that have been discussed.

**Martha Vacca – 1698 Christine Drive**

Ms. Vacca stated she is also against the placement of this tower. Another question she has is about the remarks she heard at the last meeting she had attended. It seemed the reason for this tower was financial. Is the Twp in dire financial trouble that it needs the monthly income from this tower? The Supervisors responded that the Twp is not in dire need. However the fact that the budget was so difficult this past year, it was felt the additional revenue would be helpful in covering some of the Twp expenses. Ms Vacca said she is asking the Board to weigh the income against the objections of the public when making their decision.

**Linda Nace – Kochenderfer Road**

Mrs. Nace told the Board she objects to the cell tower due to the fact that people who have pacemakers are not able to be around the towers. It interferes with the pace maker functions, according to Nace.

**Marion McCurdy – 1690 Christine Drive**

Mrs. McCurdy said her husband also has a pacemaker. She is against the placement of this tower.

**Eugene Seltzer – 1693 Christine Drive**

Mr. Seltzer stated he is opposed to the tower.

**Keith & Becky Hartman**

Mrs. Hartman told the Board she thinks a decision from them should be made before any more money is invested in this issue for legal proceedings. Why go through all of that? Chp Hawkins said she understands her thoughts. However sometimes issues are just taken out of your hands and you have to allow the procedures to run their course.

Mr. Hartman said he has yet to hear anyone from the public voice his or her preference for this tower. He said it is all well and good that the Supervisors are taking notes and doing their homework. It probably would have been better for them to do the homework before this issue even went to the Zoning Hearing Board. It would have saved a lot of time and effort. Hartman said he does not understand spending the money to fight this in a court of law when they could have stopped it right from the beginning. Once the written decision is received, will the Supervisors make their decision in a private meeting or will it be in a public meeting? Suv Artz told Mr. Hartman it would NOT be a private meeting. They are not permitted legally to make decisions at a private meeting. Suv Artz tried to explain some of the thoughts the Supervisors are having as far as representing all the residents of the Twp, not just 100 or 150. The problem is that the rest of the residents do not voice their opinions.

The subject of the recent water project was raised. Hartman told the Board that they want the public to believe they were considering the health of the residents when they decided on the water project yet the Board needs to be convinced about the health risks of towers. The history of the water project was explained again.

**Proposed Cell Tower (con't)****Pam Parr**

Mrs. Parr said there was a meeting about the water project. The project affected 400 homes in NL Twp. Well over 75% of these 400 was present at the meeting and voiced their opposition to the project, according to Parr.

Chp Hawkins told the public she has a totally different view about the water project than the other 2 Supervisors. The water project is what brought her to where she is today. She continued on to say she is with them on the cell tower. She has weighed her pros and cons and finds more con issue than pro issues. Chp Hawkins told the public that if a vote was taken right now it would not be they way they want it to be. The public would not get the decision they are asking for. She said now is not the good time to take a vote. This issue needs to run its course. A vote from the Board right now would not provide the answers the public is looking for. When the proposal from the cell tower company was received it seemed like a “no brainer” said Chp Hawkins. Of course the Board was not told all the bad things. That is why they are now sitting here and listening to all that is being said.

Pam Parr asked how many signatures it would take to convince the Board that the majority of the public does NOT want this tower? When she had asked this question before it was never answered. Suv Hawkins said it is because they do not have an answer. Parr said the signatures should be from within a one-mile radius of the tower placement, correct? What type of petition do the Supervisors need to convince them, asked Parr? Suv Artz said the number of signatures is not the significant factor. The petition would be to identify the issue explained Suv Artz. Mrs. Parr asked what would convince the Board? Suv Brensinger asked if he could answer her questions. He told her that if she is telling them there are approximately 650 people affected by the one-mile radius, and then the majority would be 325 or 326 signatures

**Jen Wagner**

Ms. Wagner asked what area the Supervisors live in, in conjunction to the proposed tower. Suv Artz replied he is within the one-mile radius. Suv Brensinger stated he lives within a mile of a cell tower but not this proposed tower. Chp Hawkins repeated the Board has been advised by the Solicitor not to make a decision until the written decision is received from the Zoning Hearing Board. Wagner asked if the original request, the very first request, could have been denied immediately? Or did the Board have to allow Omnipoint to make their application? At that time, replied Suv Artz, we were all in agreement that the additional revenue would be beneficial. No objections were forthcoming from the public until later. Initially, yes, the Board could have said we are not interested.

**Andrew Weidman**

Weidman questioned if the Twp has in its possession the maps that show where the coverage for Ominipoint is? Where the dead spots are identified? Chp Hawkins said the cell tower company has those maps not the Twp. Suv Brensinger said the cell tower company did provide copies to the Supervisors. Weidman requested a copy. A discussion about the coming of satellite phones followed.

**Wendy Schucker**

Mrs. Schucker referred to the Board’s decision to NOT make a decision on this issue until the written decision is received. Once that is received the Board has the power to say we do not want this tower, correct?

**Proposed Cell Tower (con't)**

But you told us earlier that if a vote were taken right now, the answer would be that we, as a Board, still want this tower. Schucker asked if she has that correct? Suv Hawkins said she couldn't answer for the other Board members because they have not taken a vote. She could not say how the vote would go. The only information she has is the answer to her vote preference. In answer to Schucker question, yes they have the power to say no we do not want this, if the Board is in agreement or the majority vote goes that way. Once the written decision is received the Board will vote on this issue in a public meeting.

Mrs. Schucker asked if once the written decision is received if the Board will vote on it immediately. Chp Hawkins replied that they will be permitted a certain amount of time to respond to the decision. Suv Artz added that it is in the interest of all those here to move on this decision when they are able to do so.

Schucker asked if the Board is able to make a decision on a moratorium right now? Suv Hawkins replied she has not even looked in to this possibility. Schucker insisted this is a way to protect the Twp from receiving another tower placement application. Suv Brensinger told Mrs. Schucker it would protect from future applications. It does not help with the current application. He continued on to tell her that the issue of moratoriums has now become a legal question. Past moratoriums have been challenged. Without the Solicitor being present he would not want to say whether the moratorium issue is legal or not.

**Randy Mease – 1004 Kochenderfer Road**

Mr. Mease asked if other municipalities have cell towers on the properties for their financial advantages? Suv Brensinger stated that North Londonderry has 3 towers on their property. Campbelltown Fire Company has a tower on their property, Kutztown Fire Co has one and Jackson Twp has one on their property. It is a revenue maker for these people.

**Jerry Worrilow**

Mr. Worrilow questioned if the Twp does not have any other towers located within the Twp? He was told there is several within the Twp. Suv Artz replied there is one located very close to Worrilow's residence. Worrilow indicated his knowledge of this fact. He questioned how does this affect the families that already have the towers near their residences? Suv Artz replied that the Supervisors have not had any problems brought to them.

**Tom & Carol Stewart**

Mr. Stewart stated it is his understanding that once the Board receives the written decision and the Supervisors make a decision, if the Stewarts are not in agreement with the Supervisors decision, at that time their attorney will immediately file an appeal. Suv Brensinger told Stewart that at that time, Omnipoint has the option of whether or not to legally fight the appeal.

Mrs. Stewart asked if it is true that Omnipoint could actually take legal action against the Twp should the Board decide to deny the application even though the ZHB granted the variances that were requested? There was a debate about whether or not individuals could be sued or whether the Twp would be the target of a legal suit.

**Randy Mease**

Other than the health issues, is it true the property values drop? Suv Brensinger asked Mr. Worrilow if his property value dropped because of the cell tower?

**Proposed Cell Tower (con't)**

Were there any problem selling any of the homes in Deerfield North within clear view of the cell tower? Mr. Worrilow replied, no there were no problems. The discussion continued about property values.

**APPROVAL OF MINUTES**

The minutes from February 6, 2006 were available for action.

**MOTION:** Was made and seconded to approve the minutes from the 2-06-06 meeting. 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 – Harold Easter****A.) Calls For Service Report – January 2006**

Chf Easter reported on the calls for service from the month of January 2006. A total of 483 incidents or calls for service was logged for the month of January. A total of 7,858 miles were logged on the cruisers for the month. Chp Hawkins asked the Chf is there are any activities listed for the new Code Enforcement Officer. Chf Easter replied, no, not yet.

**B.) Impounded Bicycles – Toys for Tots**

Over the last few years a collection of bicycles has accumulated. Chf Easter stated that these bicycles would be donated to the US Marine Corp for the Toys for Tots Program once the Board acts to approve this request. The Board clarified that these bicycles have been here for at least 90 days to which Chf Easter responded well over 90 days.

**MOTION:** Was made and seconded to approve the donation of the accumulated bicycles to the US Marine Corp for Toys for Tots. Unanimously carried.

**B.) Misc Police Activities**

Officer Herberg had a speaking engagement at a County Farmers Ag meeting. Officer Koons attended a Crime Watch meeting. Chf Easter spoke at a meeting for the Tall Cedars of Lebanon regarding crimes against the elderly. The Police Chief of Lebanon City, Chf Harvey, provided a Certificate of Appreciation to the NL Police Dept for assistance to the City during a bomb threat at Colemans Park.

**C.) Taser Qualifications**

Chf Easter reported on several activities the various Officers have been involved with. Officers Herberg, Rudy, Pflueger and Gross have been Taser certified.

**TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine****A.) Tire Collection Program**

In conjunction with the West Nile Program, Phil Hall is again conducting a tire collection on March 31 from 8 am to 6 pm at the Lebanon Expo Center and Fairgrounds. The program allows each resident 12 auto or 2 oversized tires at no charge until the Twp allocation expires. Excess tires or tires brought in after the funding is depleted will be accepted at \$2 per auto tire and \$15 per large tire. The Twp allocated \$1000 out of the Special Project fund.

This year pre-registration is being offered. A phone call to the Penn State Extension Office at 270-4391 will allow the pre-registered public to go in an express line which is designed to help save some time. The cut-off for pre-registration is March 21.

**B.) Mobile Home Park License Renewal**

The Lincoln Village Mobile Home Park renewal application has been received. All required information has been submitted along with the fee. The Board is being asked to approve this renewal license. This leaves only one Mobile Home Park application remaining.

**MOTION:** Was made and seconded to approve the renewal application received from Lincoln Village MHP. Unanimously carried.

**SOLICITORS REPORT – Read by Manager Grumbine****A.) Update George Hardick Property – Mt Zion Rd**

A letter dated 2-07-06 was sent to Mr. Hardick indicating the decision the Board had made at the last Supervisors' meeting. Some discussion followed about the lack of any progress at the Hardick property. Mgr Grumbine explained there has not been any change. Suv Hawkins asked if Officer Wengert is involved with this property enforcement. The reply was, no not with this issue, however Sol Wolf is keeping him updated.

**B.) Spruce Park Determination**

A letter dated 2-10-06 was received by the Solicitor. He indicated he had settled this case based on his conversations with the Board and the school district. Sol Wolf indicated he would be receiving a check. Mgr Grumbine told the Board it would be a while until the paperwork is settled.

**COMMENTS FROM BOARD MEMBERS****A.) Suv Ken Artz**

Suv Artz told the public he appreciates the orderly manner in which this evening's meeting was run. The input from the residents is also appreciated. He wants the public to know that their comments are considered by the Board members.

**B.) Suv Ed Brensinger**

Suv Brensinger informed the public that Sgt Wengert has officially retired and the Twp employees had honored him at a recognition luncheon on Friday afternoon. It was well attended by several municipalities' officers. A plaque with his picture was presented and will be hung in the hallway once all the construction is completed.

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

Respectfully Submitted,

Theresa L. George  
Recording Secretary