

**MINUTES
NORTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS
MARCH 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 Manager
Harold Easter	Chief of Police
Sol Fred 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 explained the Comments from the Public would be first on the agenda. Anyone wishing to comment on the Cell Tower issue is asked to refrain from speaking until the Solicitor's segment of the meeting. The agenda has been realigned for this evening, placing the Solicitor's report immediately following the Comments from the Public.

COMMENTS FROM THE PUBLIC

A.) Recognition of Boy Scout Troop #408

Boy Scout Troop #408 is in attendance this evening. Chp Hawkins told them they have chosen a good meeting to attend. Mgr Grumbine added that she had met with the boys in the previous half hour and thanked them for being so attentive to everything she had to say to them about local government.

B.) Jerry Worrilow – Water Street

Mr. Worrilow mentioned his Minor Subdivision Plan that had been discussed at a previous meeting. The Form B waiver, which is not permitted by the Twp, was the subject of the conversation. Worrilow was asking if there was any progress on this issue. Sol Wolf told Worrilow about an Ordinance amendment that is being worked on. The Ordinance will address his situation. This would be discussed later in this meeting.

C.) Wendy Schucker – Kochenderfer Road

Mrs. Schucker remarked on the poor condition of 7th Street and asked about a timeframe to get it repaired. She was told it is a PADOT road and is on the schedule to be repaved this summer. Mrs. Schucker's next question was related to the building renovations. Are there any plans to install lighting in the parking lot areas? Leaving these meetings she has found it to be very dark. She was told the lighting is in the plans.

Her next question was about a moratorium on cell tower applications in the Twp? A moratorium would allow the Twp time to get their entire information and Ordinances in place before another application is received. Sol Wolf replied he did not think a moratorium was necessary because the only zoned area that allows for a tower placement is in the Industrial.

D.) Andrew Weidman – Patmar Drive

Mr. Weidman asked for clarification about his previous remarks. Does this mean the only place a cell tower company could apply to construct a tower would be in an Industrial zone? Sol Wolf responded a company could still apply to the Zoning Hearing Board to apply for a variance from the provisions of the Zoning Ordinance.

Andrew Weidman (con't)

Would it be possible to enact an Ordinance that would restrict positioning of the towers? Sol Wolf replied, no. An Ordinance could not be passed restricting the Zoning Hearing Board ruling on variances. The law created them to determine if under special circumstances variances should be granted.

APPROVAL OF MINUTES

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

MOTION was made and seconded to approve the minutes from the 3-06-06 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.

SOLICITORS REPORT – Sol Fred Wolf**A.)Cell Tower Lease**

Sol Wolf started the conversation about the issue of the lease for a proposed cell tower placement for Omnipoint. He stated the Board is being asked to make a decision on whether or not they will sign the lease agreement for the tower to be located at 725 Kimmerlings Road, which is Twp property. This issue has been pending before the Board for many months and many discussions have been held on this issue. The Supervisors have appreciated the input from the public. Many residents have provided information to the Board of Supervisors during the meetings and also prior to the meetings. Sol Wolf summarized the issues that he has heard the residents raise in the previous meetings.

The whole issue started with Omnipoint Enterprises contacting the Twp initially and then pursuing the issue with the Zoning Hearing Board seeking a variance on the ordinances. The ZHB submitted the written decision, just recently, granting the variances discussed at that particular Hearing. The date to file an appeal is March 24, 2006. Greer Anderson is an Attorney that represents at least one person who intends to file an appeal of the ZHB decision. The filing of the appeal will be dependant on the decision the Supervisors make about the signing of the lease agreement.

The Board of Supervisors sought information from the American Cancer Society, The American Heart Association, Health & Physics Society, Institute of Electrical and Electronic Engineers and the Federal Communication Commission. Also received was a report from Kenneth Fessler, who is a professor with the University of Pennsylvania, regarding the cell tower as it relates to this property. Sol Wolf offered to provide any or all of this information to anyone who wished to review it. The Board has 2 choices they could make tonight. They can choose not to enter into a lease agreement with the cell tower company. If this is the decision, which does not mean the appeal process will end. Greer Anderson might want to respond to that issue. If the Board votes in favor of signing with the cell tower company's lease, they would not be at liberty to actually sign the lease until the appeal process was ruled on by the court.

Sol Wolf opened the floor to comment from anyone in the room. He explained the opportunity to speak would begin in the front of the room and proceed to the rear. Anyone wishing to speak should raise his or her hand and state their name and address before offering a question or comment.

Rolan Hill – Patmar Dr

Mr. Hill told the Board he has concerns about a pulmonary defibrillator that he recently had surgically placed. He was provided a lot of information about this defibrillator from his doctor and although it does not state there is a definite problem as a result of cell phones, there are restrictions he must consider when using a cell phone. A lot of electronic and magnetic devices he has been advised to keep his distance.

Rolan Hill (con't)

Sol Wolf asked Mr. Hill if he wanted to present any of this information to the Supervisors to which Mr. Hill responded no he did not think it was necessary.

Tom Stewart – N 7th Street

Mr. Stewart presented the Board with 632 petitions signed by residents voicing their opposition to the cell tower. Sol Wolf thanked Mr. Stewart.

Greer Anderson – Attorney for Tom Stewart

Mr. Anderson stated the filing of the appeal for the Stewart's would occur after the decision tonight. He stated there is another appeal being voiced here tonight. He said the appeal is being made from the residents, who have shown up here tonight, to their elected officials, asking them to make the right decision for them, the Board's constituents.

Susan Rohr –

Ms. Rohr questioned the verbiage in the lease agreement referring to the 3-year term and the receipt of \$1200 per month. What happens after the 3-year term is up? Sol Wolf stated he thought it stated 5 years and then the lease is subject to renewal after the 5 years. The cell tower then has the option to renew the lease. Rohr then asked what happens to the tower should the company decide not to renew? Sol Wolf explained there is a required Bond that is created in the event that the company decides not to renew or loses their FCC license. The liability and responsibility to remove the tower and restore the property to its original condition falls on the Bond provided by Omnipoint.

Martha Vacca – Christine Drive

Ms. Vacca told the Board she is opposed to the cell tower placement. She also thanked the group of people who took the time and paid financial expenses to keep the residents informed and involved with this issue.

Edith Brown – Willow Lane

Ms. Brown asked who is responsible for the liability insurance for the tower if it is erected. Sol Wolf responded Omnipoint is responsible for the insurance but the company is required to co-insure and name the Twp on the policy. Ms. Brown questioned if the Board of Supervisors has a "mission statement". She said she is of the opinion that people are concerned the Supervisors are not looking out for their welfare. She suggested that the Supervisors come up with something that would assure the taxpayers that the Board is looking out for them and their well-being.

Beverly Bland – Oak Lane

Ms. Bland offered her opinion that it always comes down to money.

Michael Onofrey – Jay Street

Mr. Onofrey questioned if the Twp plans to do anything to monitor emissions from the tower if it is erected? Sol Wolf explained that the discussions with the cell company have not progressed to that point. However the Board, in reading the research information and the concerns expressed by some of the residents, has indicated there should be independent testing done and the results provided to the Supervisors. Would the results be available for the residents to review, asked Onofrey? Sol Wolf replied that the reports would be made available as part of the public record. This issue would be addressed as a part of the lease agreement.

Steve Miller – Marcon Drive

Mr. Miller stated he is opposed to the Tower being installed. One of his concerns is the appearance.

Joe Hlaverty –Mt Zion Road

Mr. Hlaverty asked if Omnipoint has looked for any other locations for a tower placement? Sol Wolf replied he had asked that question of Omnipoint also. They had indicated that they do have other locations but would not disclose to Sol Wolf the other locations. Hlaverty expressed his opposition to the tower.

Rob Bare – Oakridge Court

Mr. Bare expressed his appreciation to the Board for the good job he feels they are doing for the Twp. He is now asking the Board to listen to what the residents are saying to them, collectively as a group, about the great concerns they have with regards to the unknown health issues. It is his hope that the Supervisors came into this room tonight with an open mind and no decision made previous to walking into the room. He is encouraging the Board to vote this tower down. Bare continued onto say there are places for cell towers but the playground where children are playing is not the appropriate place.

Richard Koons – Marcon Drive

It is Dr. Koons wish that the Board is hearing what this room full of people are saying to them. He too is concerned for health reasons about the proposal of this tower placement. He is opposed to the tower being placed on the Twp property.

Beth Lloyd –

Mrs. Lloyd referred to a meeting she had attended previously about the water project that the Twp had recently completed. She questioned if anyone had approached the Twp and complained about “dead spots” before the tower proposal was received. Sol Wolf replied he is not aware of any.

Jeff Arnold – Colonial Circle

Mr. Arnold expressed his opposition.

Wendy Schucker – Kochenderfer Road

Mrs. Schucker reminded the Board of comments she has made in the past regarding this issue. She repeated to the Board of Supervisors her opposition to the cell tower proposal.

Andrew Weidman – Patmar Drive

Mr. Weidman pointed out to the Board, he has yet heard anyone speak in favor of the cell tower placement.

Martin Barondick – New Street

Mr. Barondick stated he is in favor of a cell tower. He is not in favor of it being placed on Twp property as he does not feel the Twp should be in the real estate business.

Jerry Worrilow – Water Street

Mr. Worrilow commented he would like everyone here who is in opposition of this cell tower to remember one thing. He has heard many comments stated, very strongly, by individuals here tonight, that they are so concerned about health issues. He wants them to think of that every time they fire up their cell phones, that someone else’s children are within distance of a cell tower and that individual is placing someone else’s child at risk.

Sol Wolf thanked the public for their comments and remarks. At this time he would like to turn the discussion over to the Board of Supervisors for their discussion. Chp Hawkins agreed with Sol Wolf thanking the public for their remarks and all the research information that was provided to the Board.

Suv Hawkins said she would voice a few of her comments. The subject of a Mission Statement was raised earlier. In checking on this she found out the Board does not have a Mission Statement. What they do have is the Twp Code found within the Township of Second Class Code Manual. Suv Hawkins said she thinks a Mission Statement would be a good idea.

Cell Tower Issue (con't)

The Twp is in the business of making the residents' lives better. It is her opinion that the area proposed for the tower is a recreation area and it should be maintained as a recreational area. The Twp is not in the cell phone business therefore she is going to make a Motion to deny entering into the lease agreement with Omnipoint.

Suv Artz asked to make some comments of his own. When this proposal first came forth, the monetary issue seemed very appealing to him. The annual Budget that the Supervisors deal with every year becomes more and more of a challenge. He spoke about the difficulties trying to keep the Budget balanced. On this particular issue he has read so much information, it is beginning to boggle his mind. He spoke about some of the information that made an impression upon him. There are many objects in the average household that subjects individuals to radiation. When he thinks about the appearance of the tower, he cannot think of one time anyone even asked to see the design of the proposed tower. All the comments that have been presented to the Board regarding health issues have not been proven by anyone or any agency. He mentioned all the comments about cancer. He has experienced this disease in his family and he agrees it is a terrible thing to have to deal with. But there has been NO proof offered throughout the course of the last weeks to substantiate the tower would be the cause of cancer. The issue of property value was discussed. He has spoken to several realtors who have voiced that there is not definite proof that a cell tower will decrease property values. He continued onto say that within the next few years, with all the electronic advances, the towers would totally disappear. Suv Artz stated that sometimes it is easy to overreact to some issues and his concern is that we not over exploit this whole issue. Suv Artz ended his remarks by saying it is very hard sometimes to make decisions as a Supervisor because the only reactions you hear are the negative ones. You never hear from the positive or favorable ones.

Suv Brensinger was in agreement with his fellow Board members. A lot of information was provided and was read by all the Board members. Conversations were held with other municipalities that housed cell phone towers. Suv Brensinger stated he is in agreement with Suv Artz that the cell phone towers are not harmful to individuals living in or working in the area of the towers. Throughout the last several weeks, while being out and about, he has noticed many cell towers. He mentioned several articles he has read about satellite technology and he strongly feels cell phones are on the way out. Suv Brensinger repeated he is convinced, totally, that there are no health issues related to the towers. He is very aware of the fact that the FCC does not permit health issues as reasoning for denying cell phone towers.

The problem he is faced with tonight is that although he, himself, is convinced that there are no health risks, he is certain the majority of the people in this room will NEVER be convinced of this fact. Hearing all that the constituents and the concerns they have voiced, certainly outweighs the proposed \$1200 a month that would be generated. Suv Brensinger stated he has been on the fence a long time as to whether to vote for or against the tower. A threatening letter attempting to extort him was received and turned over to the District Attorney's office. After receipt of the letter, his initial reaction was to respond, "Bring on the cell tower". He tried to explain the difficult job a Supervisor has when trying to make decision on a lot of these types of issues. It is not easy and sometimes it feels like it is not worth the effort. On the other hand there are the positive reactions that do make it worth the effort. Suv Brensinger said he also has to consider the opinion of Tom Stewart, who would be affected the most by the tower. Knowing that he is adamantly against the placement of the tower. Considering all of this information he feels he must second the Motion.

MOTION was made by Suv Hawkins and seconded by Suv Brensinger to refuse the lease agreement signing with Omnipoint. A two out of three vote makes it a majority vote passing the motion.

A brief intermission was held and the meeting again resumed.

Suv Hawkins offered an opportunity to the public for any other public comments. She then asked Sol Wolf to continue with his agenda.

B.)Update on George Hardick Property

Sol Wolf reported that the building has now been completed. He will now be able to store anything he wishes to keep inside the building and that process has now begun. Sol Wolf will be working with Hardick and Nelson Ebersole to sort out what Hardick will not be retaining on his property. Information about the County Tire Collection has been forwarded to Hardick in order to clean up the tires from his property. Another problem Mr. Hardick is dealing with involves storage tanks and the violations he is working with DEP to correct. Sol Wolf is expecting significant progress the end of this month and into next month on these issues with the Hardick property.

C.)Spruce Park

This issue has also been on the agenda for many months. It is regarding transfer stamps, which had not been paid. The funds owing to the Twp have now been paid and this issue has been resolved.

D.)N 11th Avenue RR Crossing

Norfolk Southern Railway Company has petitioned the Public Utility Commission to close the crossing at 11th Ave. The PUC has ordered a field investigation and conference to be held on Monday, April 24 @ 1:00 PM. Sol Wolf has drafted an answer to Norfolk's petition for closing to inform the PUC that the Twp and County's position is that N 11th Ave should remain open. Sol Wolf is asking the Supervisors to authorize the Chairperson's signature on the letter he has drafted to the PUC. He is also asking the Board to authorize the Chairperson to file anything else that is regarding this issue with the crossing.

MOTION was made and seconded to authorize the Chairperson's signature on a written response prepared by Sol Wolf and any future filings that are necessary regarding the PUC and the 11th Ave crossing. Unanimously carried.

E.)N 15th Avenue RR Crossing

Sol Wolf reported the scope of work has been agreed upon by all who an interest in this particular crossing. Also the responsible party is ready now to proceed with the work. An agreement between the parties as to who is paying for what expenses must still be reached. County has committed to an amount of money for this project. However the County Commissioners have stipulated the money is to be based on the expenses for the local municipalities, not the portion the railroad is responsible for. At this point we are waiting for the responsible party to complete the upgrades that are needed at the crossing.

F.)Lease Agreement with NLT Municipal Authority

During the time the Twp was considering the costs of the Building expansion and renovations it had been suggested the Authority contribute to the costs. The Municipal Authority houses various vehicles and office space within the building. Sol Wolf is offering the Board a lease between the Twp and the Municipal Authority for office and garage space. These areas are to be determined by the Board of Supervisors. Each party is to provide their own insurance to protect their own interests. Utility costs are to be factored in the amount also. The Authority has offered a lump sum payment of \$300,000 in lieu of yearly payments for the next 15 years. After 15 years the terms of the agreement will be open for negotiations. The Board of Supervisors are being asked to approve and execute this lease agreement so that the Authority will be able to execute the agreement during the April Authority meeting. The funds would then be distributed to the Twp for use toward the invoices for the building renovations.

MOTION was made and seconded to approve the 15-year lease between the Twp and the Municipal Authority in the amount of \$300,000. Unanimously carried.

CHIEF OF POLICE REPORT – Harold Easter**A.) Calls For Service Report – February 2006**

Chf Easter reported on the calls for service from the month of February 2006. Chf Easter stated the highest day for incidents during the month of February was Sunday.

B.)Request from Lebanon County Federation of Sportsman’s Club -

Chf Easter reported he had received a request from the Lebanon County Federation of Sportsman’s Club regarding the shooting of firearms and a variance from that Ordinance. Youth Day is scheduled for August 12 and will be supervised by adequate adults.

MOTION: Was made and seconded to approve the requested waiver for shooting firearms from the Lebanon Federation of Sportsman’s Club on August 12th at Stoever’s Dam Park. Unanimously carried.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine**A.)Resolution No. 4-2006 – Disposition of Certain Municipal Records**

Resolution No. 4-2006 is regarding the disposition of certain Municipal records. With all the building renovations we do not have areas to store to the records for destroying all at one time. Mgr Grumbine explained that from time to time as these records are gathered, resolutions would be presented to the Board for the disposition. Officer Wengert has provided Fire Police records for disposition, which are also included with this Resolution at his request.

MOTION was made and seconded to approve Resolution No. 4-2006 for disposition of municipal records. Unanimously carried.

B.)Request for Zoning Map Amendment – Bruce/Kathryn Sattazahn

A request for a Zoning Amendment was received from A. Bruce and Kathryn Sattazahn. A Public Hearing must be advertised and the property, located on both sides of Rte 72, posted as well as notification letters to surrounding neighbors mailed. The Board discussed a few questions they had with Mr. Sattazahn.

MOTION was made and seconded to schedule April 17, 2006 for the Zoning Amendment Public Hearing and Ordinance drafting. Unanimously carried.

C.)Detour for Rte 72 – N 10th Street RR Crossing Upgrade

The City of Lebanon has made an announcement that a detour will begin on March 29th through April 7th around the 10th Street RR crossing for upgrade work. The detour for Rte 72 South will be 12th Street to Walnut Street.

D.)Ridgeway MHP License Fee

The last MHP license fee, which is Ridgeway Mobile Home Park, has now been received. The Board is asked to approve the license for Ridgeway.

MOTION was made and seconded to approve the license for Ridgeway Mobile Home Park for 2006. Unanimously carried.

E.)Application for County Aid

The Twp has received an application for County Aid towards our 2006 Projects. The amount to be received is \$7,150 towards microsurfacing and \$6,489 for our regular paving project. Mgr Grumbine is asking the Board to authorize signing the application to be forwarded to the County Commissioners.

MOTION was made and seconded to authorize the signing of the application for County Aid. Unanimously carried.

F.)DEP – GLRA Permit Modification Approved

Mgr Grumbine mentioned to the Board she had received notification about DEP's approval to the GLRA for the Permit Modification they had applied for. This modification will allow them to increase their daily tonnage amounts. Suv Artz questioned if the tonnage is only for Lebanon County to which he was told yes.

COMMENTS FROM BOARD MEMBERS

A.)Suv Ken Artz

Suv Artz commented on the conduct of the Public this evening. He appreciated the good conduct and the way the meeting went.

B.)Suv Ed Brensinger

Suv Brensinger said he wanted to inform the public that Mt Zion Road would be scheduled for road closures from the Y intersection at Maple Street to the Twp line. PADOT will be replacing storm water pipes that cross under the road. He said it is his understanding they are planning to widen and pave Mt Zion Road. The Twp has given permission to use the Twp roads as detour routes. These closures are to begin next week.

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

Respectfully Submitted,

Theresa L. George
Recording Secretary