

**MINUTES
NORTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS
SEPTEMBER 18, 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, a representative of the Lebanon Daily News, and many other individuals.

CALL TO ORDER – 7:00 PM
PLEDGE TO FLAG

COMMENTS FROM THE PUBLIC

A.)Pat/ Ray Smith – Sholly Ave RE: Gary Ave Property

Mr. Smith addressed the Board about an issue he is having with a neighboring property. He stated that he and his wife had discussed the problem of an inactive woodpile the neighbor has stacked in his backyard with Officer Wengert several times. They were told the property maintenance Ordinance does not state anything about the collection of a woodpile. The woodpile has become an attraction place for rats according to Mr. Smith. He informed the Board his neighbor man is not even using the wood. Smith stated he could understand this if the wood was being used for firewood but it is not. He continued on to say the rats, in his opinion, constitute a health risk. This problem, if let go, would spread to the whole neighborhood, not just his property. Mr. and Mrs. Smith requested that the Board try to implement something into the Ordinance to address this type of problem. Chief Easter informed the Smiths that he would discuss this issue with Officer Wengert to see if anything could be done about this problem now. The Board told the Smiths they would take a look at what some options might be for them to explore as far as an Ordinance.

B.)Gary Heisey – Ebenezer Road; RE: Building Permits

Mr. Heisey told the Board he has several issues he would like to discuss this evening. His first issue was regarding a building permit he had received from Lebanon County Planning regarding some construction work he wanted to complete at his restaurant. Heisey started the conversation by asking about the Managers employed by the Twp. He questioned whom the Managers answer to for any actions they might take. He continued to say he feels it is very difficult at times to work with some of the Managers at the Twp. Mr. Heisey gave some background information about a proposed banquet hall he wanted to construct a year ago. After a meeting with the Municipal Authority representatives and the Waste Water Foreman, along with Engineers, it became obvious to Mr. Heisey there was no way he could afford to accomplish this banquet hall. The costs for sewer alone were prohibitive. He realized he would have to take a hit on the financial costs the proposed project had cost him to date. He came away with a feeling of frustration. September 1, 2006 he received a letter from LCPD about a more recent building permit he had applied for in order to do some remodeling work at the diner. The letter he had received was revoking the permit he had been issued on August 25. The letter referred to a phone call from the Twp on August 22 advising the Planning Dept that a possible application would be made in regards to the diner and asked Planning to withhold any permit until sewer issues were resolved.

Building Permits (con't)

The letter also stated a second phone call from the Twp requested the revoking of the permit that had indeed been issued. Heisey told the Board that again he had financial expenses incurred and now the permit was being revoked. Another issue Heisey has with this situation was the timing. He only applied on August 25 yet the phone call to Planning Dept was on August 22. He has a problem with the fact that the Municipal Authority did not pick up the phone and call him directly to ask about any plans he might be considering instead of calling County Planning Dept. Heisey said this is his problem with the whole situation. The permit is no longer an issue for him. The lack of that phone contact directly to him from the Twp is his problem. He feels he was mistreated.

Chp Hawkins questioned who was present in the pre-construction meetings he had mentioned. She was told the Municipal Authority representatives, Sewer Foreman and their Engineer. She asked if he attended alone. Yes. Heisey said they told him at that meeting all the costs he would be facing. He felt the offer to explore other options should have been offered to him but that did not happen.

Sol Wolf asked to make some comments on this issue. The building of the banquet hall was the first issue Sol Wolf addressed. He explained the history of the Twp and the City of Lebanon regarding the sewer and the expenses as well as the costs. The Twp has always used the City's financial chart when calculating the required EDU purchases. The City charges the Twp so the Twp in turn charges the customers. Another problem is the location of Gary's diner. It is a problem area for the Twp due to the additional use being requested. The pump station at the Orange St location is already at its full capacity, according to the Municipal Authority Engineer's report. Sol Wolf explained the situation the Twp was placed in when County Planning failed to consider the sewer issues with 2 other permits they had issued within the last year. At that point in time, the Twp and the Authority was told by Leb Co Pl, that the situation would not happen again. Any type of Commercial or Industrial permit applications would be referred to the Authority to make an assessment on sewer issues. In Heisey's situation the permit was issued by LCPD without following through on the procedure of checking with the Municipal Authority first. The August 22 phone call from the Twp was a reminder to LCPD and County went ahead and issued the permit on August 25 anyway. Because of this confusion, the Twp employees were instructed to drop what they were involved with and get this situation straightened out so as not to hold up Gary's plans any more than they have already been delayed. The Municipal Authority has given instructions to meet with Gary Heisey and his Attorney on Wednesday of this week and get the matter resolved. Gary went back to his original question about the timing of the events. Mgr Grumbine responded that a PA One Call had been received and not being sure of what was happening, a phone call was made to County Planning. Heisey repeated he would have appreciated a direct phone call to himself instead of the call being made to County Planning.

Lions Lake & Heisey Property

Mr. Heisey said another issue he wants to discuss is his property and the location of it in regards to Lions Lake Park. The fishing and boating that takes place on the Lake is becoming a problem to him as a neighboring property owner. The rule that boats were not permitted on the lake the first week of Trout season worked well, according Heisey. What happened that the rule changed, he does not know. His property is directly connected to the Lake property owned by the Twp. He is constantly dealing with trespassers onto his property. He has no wish to post his property as it would prevent the Lake being stocked by the Fish and Game Commission. Heisey stated he has no desire to cause that to happen. The Lake is a great community location. However that is not helping him with all the trespassers on his property. He is appealing to the Board for suggestions of what to do to eliminate the problems he is having with the public.

Suv Artz asked Gary if he had considered posting "Keep Off" signs on his portion of the property. Gary responded that if he did that the Fish Commission would no longer stock the Lake and he does not want that to happen. Suv Artz then advised "No Trespassing" signs. Gary replied he does have signs with that verbiage already posted. Suv Brensinger suggested a fence at the shoreline.

Lions Lake & Heisey Property (con't)

Gary replied then it would be restricting the fishing area, according to the Fishing Commission. Heisey said his main concern is the liability if someone should get injured on his property. Sol Wolf asked if the boaters are the main problem for him. Heisey replied it is a large part of it. Boaters are casting inland and the people on shore are casting outward. Gary stated it is a real mess. Sol Wolf asked if restricting the boats from the lake for the first week of trout would help. Gary replied that would be one half of the problem. Lance Heisey, resident of NL Twp, stated he is in agreement with Gary Heisey about something needing to be done. He and his son witness the abuse of the Lake property during the times he and his son are there fishing. Suv Artz asked Chief Easter if he had any legal advice for Gary Heisey. Chf Easter replied that if Gary finds someone trespassing on his property, call County Dispatch and a Police Officer could be dispatched to the location to handle the situation.

C.)Lance Heisey – Water Street – Denied Garage Permit by LCPD

Lance Heisey told the Board he is here this evening to discuss an Ordinance in the Twp code that affects a project he wished to complete at his property. He has made an appointment with Lebanon County Planning to discuss the construction of a freestanding garage, not attached to the house. During the conversation with LCPD he discovered the area he wanted to position the garage was not acceptable due to the fact the garage would protrude beyond the house in the direction of the street. He was told the Ordinance for NLT does not allow any structure to be located closer to the street than the house structure. His option of a Variance request was explained to him. Mr. Heisey stated this option does not appeal to him as there is a \$500 fee attached to the petition request. He stated that he does not feel this Ordinance should apply to his situation as he is at least 250' from Water Street and actually owns almost 6 acres of land. Because of the fact he has well water and an on-lot septic system with a drain field, as well as rolling topography, he is limited to the design and location for placement of his proposed garage. The plan he discussed with LCPD is the only one that will work for him to accomplish what he wants to get done.

A lengthy discussion was held with the Board and the Solicitor asking Heisey several questions about his property. Lance told the Board he was told that if he would attach the garage in some fashion to the house, a permit could be approved. A concern would be a drain field located in this same area. Mr. Heisey stated that is not something he and his wife wish to do. He stated he could understand this type of Ordinance regarding development areas but not situations such as his where the house is located 250' off the street. Chp Hawkins advised Heisey to schedule a Zoning Hearing through the Planning Dept. Heisey asked if there is anyway he could do that without paying the \$500 fee. He said he has a real problem paying that fee when he feels it should not apply to his situation. Heisey told the Supervisors he feels the Ordinance should be looked at and revise the verbiage of this particular Ordinance. Sol Wolf stated the \$500 is because of all the advertising and notifications that are required, by law. Suv Brensinger asked Sol Wolf if this Ordinance applies to all Zoning districts, as he is located in the Ag district. Sol Wolf replied it is applicable to all zones.

Sol Wolf discussed the timeframe of the Zoning Hearing process and the Ordinance revising process. Both are timely processes and would result in the actual construction not being able to start until November or later. If time is a factor for Heisey, his only option is to connect the house to the proposed garage in some fashion. The actual construction and structure of the design is County Planning's area of expertise, not the Board of Supervisors. Suv Brensinger suggested the Board look at revising the Ordinance verbiage and suggested Heisey agree to connect the garage and house in a temporary fashion that could be removed once the Ordinance is revised and adopted. That is the only option available that would allow for the October start date for construction. Suv Brensinger advised Heisey there might be other stipulations when connecting the two structures. That would be something LCPD could tell him.

Chp Hawkins asked Heisey what he is asking the Board to do for him. Does he wish to have the Ordinance reviewed for possible revision? Heisey stated his next step is to talk to LCPD again and see what advice he is given.

Denied Garage Permit by LCPD (con't)

He is also asking the Board to take a look at the Ordinance as he feels he is not the only person in NLT that this applies to. Sol Wolf asked Heisey to provide copies of his construction plan to the Twp. Heisey agreed to do so.

APPROVAL OF MINUTES

MOTION was made and seconded to approve the September 5, 2006 minutes. 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 – August 2006**

Chf Easter reported to the Board with a summary of the activities from August 2006.

B.)D.A.R.E. Classes

Chf Easter reported the D.A.R.E. classes are scheduled to begin on September 13th at the Union Canal Elementary. Classes for Ebenezer Elementary will begin in the spring. He told the Board they have received a letter from DCED informing them that a Grant amount of \$2951 has been awarded for the D.A.R.E. program. Chf Easter told the Board the D.A.R.E. program would also be receiving an approximate amount of \$2400 from the Cornwall-Lebanon School District. Chp Hawkins asked if these two amounts, combined, would cover the costs for the DARE program. He responded the cost of all materials will be covered.

C.)Recommendation from Police Chief's Assoc for Trick or Treat Night

Chf Easter suggested the date of Tuesday, October 31, 2006 from 6-8Pm for Trick or Treat Night in NLT. He told the Supervisors the Chief of Police Assoc meeting will be held tomorrow evening and this date will be discussed. It is his opinion this is the date they will appoint for Trick or Treat activities. Gary Heisey asked Chf Easter if the Fire Companies have been notified about the date selected for Trick or Treat Night. The Fire Companies like to set up stations and hand out "glow sticks" and promote general safety on that night.

MOTION was made and seconded to approve Tuesday, October 31, 2006 6-8 Pm for Trick or Treat activities in NLT. Unanimously carried.

D.)Letter from Kevin Crites

Chf Easter read a letter his department had received from Kevin Crites, who had received a Good Citizenship Award at a previous meeting. The letter was a letter of thanks to the Chief and to his department acknowledging the challenging jobs and duties they perform on a daily basis.

E.)Joint Purchase of Scales

The Township has entered into a joint agreement for purchase and maintenance of commercial vehicle scales. South Leb Twp and NL Twp have agreed to purchase 3 sets of used commercial scales from Gettysburg Borough. A very good deal, in Chf's opinion, was reached with Gettysburg Borough. The price for 3 sets of used scales and a van to transport the scales was \$7500.00, which will be split between NLT and SLT. The state will calibrate the scales at no charge to the Twp.

MOTION was made and seconded to approve the agreement, between South Leb Twp and NLT, for the joint purchase and maintenance of three sets of used scales from Gettysburg Borough for \$7500.00. Unanimously carried.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine**A.) Spring Creek Preliminary Subdivision Plan; Park & Rec Agreement; Building & Use Document**

The Preliminary subdivision plan for the Spring Creek development, which is located along the eastside of N 8th Ave and the south side of Kimmerlings Rd, is before the Board for action tonight. The plan illustrates 38 single-family detached dwellings, 31 townhouses, 2 new streets and associates site improvements. Storm water design and Erosion and Sedimentation Pollution control have both been reviewed by the applicable County agencies and received their approvals. The Municipal Authority has reviewed and indicated their approval of the sanitary sewer system extension. The developer has signed the Park & Rec agreement for fees in lieu of land dedication. The agreement is also provided to the Board tonight for execution.

Lebanon County Planning has provided recommendation of approval for this submission. The NLT Planning Commission has had several discussions regarding this plan including the traffic issues. During last Monday nights meeting, with the NLT Planning Commission, the engineer agreed to add additional language into the Building & Use Document to include maintenance issues regarding Lot #21, as well as Lots #22-32 and Lot #39 referring to certain types of required plantings. Lot #21 is the large lot, which contains the storm water basin and wetlands. The Planning Comm expressed concerns that the buyer of this lot be made aware of the additional maintenance requirements, which is why they requested this information be included in the Building & Use Documents, as well as on the deeds. Reluctance was shown when being asked for a recommendation for this plan; the Commission could not find an Ordinance not answered with this plan submission. The vote for approval of this plan was 3 Commission members in favor of approval and 1 member abstaining.

Chris Sellers of Saxinger & Black was in attendance to answer any questions regarding the plan. A very lengthy discussion followed on this plan submission. Many of the lot plantings and maintenance issues were discussed. The storm water improvements and the road improvements for a portion of Kimmerlings Rd were also discussed. Sol Wolf explained that this maintenance information should be included in the Building & Use Document because that is what the Twp will have to have to enforce the maintenance issues after someone other than the developer owns it. After some discussion it was decided to include the maintenance verbiage in the Building & Use Documents. Mgr Grumbine agreed she would hold the signed plan until the additional verbiage is added to the Building & Use Documents.

MOTION was made and seconded to approve the Park & Recreation agreement for fees in lieu of. The Preliminary Subdivision Plan for the Spring Creek plan is approved conditional upon the revised language being added to the Building and Use Document. Also being approved is the Building & Use Document after revised lot information being included, along with the maintenance of certain lots within the development. Unanimously carried.

Bruce Sattazahn - Weavertown Rd

Mr. Sattazahn questioned the types of plantings that are being suggested for the areas in the Spring Creek development. His concern is the ability of the future homeowners being able to maintain the plantings properly and still be within the Twp Ordinances regarding grass and weed height. A conversation followed about the instructions and the maintenance issues that will be available for these specific areas. Sattazahn asked the Board for their opinions about these types of wildflower plantings and the issues it will cause when referring to the Ordinances currently on the books. He told the Board he is anticipating the phone calls that will be generated to the office with complaints. Chris Sellers repeated her opinion that this will not be the case, as the directions for care of these areas will be provided to the homeowners. These plantings are designed to reflect natural looking areas.

B.) Recommendation on Truck Body

The Board had previously approved the ordering of the cab and chassis for the dump truck, which had been approved under the 902 Recycling Grant.

Recommendation on Truck Body (con't)

The cab and chassis have been ordered while the body with other options was researched. Information from IMS of Harrisburg and EM Kutz of Reading has been provided to the Supervisors for their review. After some discussion the Board offered their choice.

MOTION was made and seconded to approve ordering the body, with the options outlined in the quote, for the approved dump truck to EM Kutz of Reading for the amount of \$96,746. Unanimously carried.

C.)Kochenderfer Road Storm Water Update

Suv Brensinger reported he still has not heard back from Scott Tanguay, of PADOT, about scheduling a meeting to discuss options to the problem in this area. His opinion is that this issue should be resolved before PADOT does any paving on Sandhill Rd, which they do have scheduled for the summer of 2007. He will continue to work on setting this meeting up with PADOT. Mgr Grumbine shared some information about some controversy involving some of PADOT's internal policies, which were recently revised.

SOLICITORS REPORT – Sol Fred Wolf**A.)Deeds of Dedication for Various Streets**

Resolution No. 10-2006 Jay Street - Harry Bowman, developer, is providing information on a portion of Jay Street for the Township to take over ownership. Sol Wolf explained that Mr. Bowman has now completed the 3 items that needed to be accomplished before acceptance. Therefore Resolution No. 10-2006 is presented to the Board of Supervisors, which outlines the acceptance of ownership for a portion of Jay Street located in Woodlea Phase 2.

MOTION was made and seconded to approve Resolution No. 10-2006 accepting ownership of a portion of Jay Street. Also being approved is the required 18-month CD locked in with his bank (Integrity Bond). Unanimously carried.

Resolution No. 11-2006 Hanford Drive (Leb Rails Business Park)

This is the primary street leading into the Business Park off N 25th Street. Required bonding for 18 months has been provided in the form of CD's with their bank, M&T Bank. A schedule of all the original items, along with the reduced amounts for these items will be attached to the bonding information.

Resolution NO. 12-2006 Windsor Drive

This street is a secondary street which branches off Hanford Drive and connects to the north with Tunnel Hill Road. Sol Wolf gave the Board the background information on several meetings, which had taken place regarding outstanding issues with the streets in the Business Park. As Suv Brensinger attended these meetings, Sol Wolf asked him to give the Board an overall summary of what had taken place. Suv Brensinger reported that all the items that had been listed for Hanford Drive had been completed. However to date, several deficiencies for Windsor Drive are still being worked on. Some discussion was held about the time deadlines the Twp is facing with PADOT regarding the submission of the streets for inclusion with the Liquid Fuels allocations for the Twp. Also discussed were the incomplete issues regarding Windsor Drive. The amount of bonding for Windsor Drive was discussed and the scenario of the work not getting completed. Suv Hawkins pointed out that this issue was discussed last year at this time. A whole year has passed and the work still is not completed. Suv Brensinger said his concern is not the work getting accomplished. His concern is that the work be completed correctly.

MOTION was made and seconded to approve Resolution No. 11-2006 regarding accepting ownership of Hanford Drive. Unanimously carried.

MOTION was made and seconded to conditionally approve Resolution No. 12-2006 regarding Windsor Drive; conditional upon all required improvements being completed by 12:00 noon on Friday, 9- 22. If all conditions are not met, after inspections completed by Roadmaster Brensinger and the County Engineer, by noon on 9-22-2006, dedication of Windsor Dr will not be accepted until 2007. Unanimously carried.

B.) Eastside of Windsor Drive (Tunnel Hill Rd Entrance)

A section of land approximately 13 foot wide located along the property owned by the Maeders, is being dedicated to the Twp. In anticipation of any future plans for Windsor Drive it would be advantageous to the Twp to have this additional 13 feet of property. At this point in time, all maintenance issues on any right-of-ways located within this Business Park are the responsibility of the owners association of the Business Park. Sol Wolf stated the association for the business park would have to amend their documents to reflect the fact that the approved wall that was to be installed along the Maeder property has now been redesigned to become a right-of-way, which the association will now be required to maintain. The Board is being asked to act on this mandate tonight and then the association documentation will be revised to reflect the mandate.

MOTION was made and seconded to mandate the revision of the LVEDC Business Park association documents to include the maintenance of the 13-ft right-of-way along the current Maeder property. Unanimously carried.

C.) Update on George Hardick

Sol Wolf reported he has not been able to make contact with Hardick recently. He is now going to get Officer Wengert involved in this situation. He will be meeting with Hardick on a weekly or bi-weekly timeframe. Hardick at this time is under additional penalties from the court order in regards to having his cleanup completed. Contact with Officer Wengert should help get this issue moving on a regular basis.

D.) N 11th Avenue/ 15th Avenue RR Crossings

A hearing date of October 26-27 is set.

E.) Ordinance Update

A meeting has taken place between Mgr Grumbine, Code Enforcement Officer Wengert, Chris Miller and Sol Wolf to review several provisions of the International Property Maintenance Code that Wengert and Miller would like included in the Twp Ordinance. Sol Wolf is suggesting work sessions be scheduled with the Board to review all the proposed new Ordinances for inclusion or revisions of existing Ordinances. He feels they should be in agreement as to what is being proposed for adoption before the Public Hearing is scheduled.

The issue that Lance Heisey brought to the Board tonight could be included, after talking to County Planning and getting suggestions as to some language that would still protect the Twp referring to setback lines. Some situations, such as Heisey's, acreage become an issue with the current setbacks. County will be consulted before any revision of the ordinance is completed.

F.) Morrissey/Seyfert Minor Subd Pl

Sol Wolf explained the Seyfert and Morrissey plan falls under the new requirements pertaining to sewer module submission. This applies to situations where land is added and there will be no new sewer usage added. The Twp allows that a planning module not be submitted. However a legal deed description showing the annexation of the newly acquired lands to the existing lands must be provided to the Twp before any approvals are given on the plan. The Authority or the Twp has not received a copy of the proposed deed for this minor subdivision and is the only issue holding up approval action on the plan.

G.) Cell Tower and the ZHB Decision

This involves the appeal that Tom Stewart had applied to the decision of the ZHB to allow a cell tower placement on the Twp property. After announcement from the Board of Supervisors that they would not allow the placement of the tower, the appeal by Stewart was withdrawn. An agreement has been reached as to the language that will reflect the withdrawal of the appeal. The settlement agreement involves Mr. & Mrs. Stewart, Twp Zoning Hearing Board, T-Mobile and the Twp. The Board is being asked to approve the language in the agreement in order to allow the order from the court to be entered.

Cell Tower and the ZHB Decision (con't)

MOTION was made and seconded to authorize the execution of the agreement, which will allow the dismissal of the Stewart appeal. Unanimously carried.

COMMENTS FROM BOARD MEMBERS**A.)Suv Ken Artz - NATaT Convention in Washington, DC**

Suv Artz reported on his trip to Washington, DC for attendance at the NATaT convention. He said he always sees this trip as an opportunity to meet other municipalities and discuss the issues they are facing and how they resolve the various problems that arise. He remarked on Suv Brensinger being asked to sit on a PSATS committee. He received a notification of a new committee he is being asked to sit on for PSATS that is called the Legislative Committee.

B.)Suv Hawkins

Suv Hawkins announced that word was received during the meeting that one of the Twp Police Officers was injured this evening during a response to a call for service. He was taken to the hospital for treatment and there are 2 individuals in custody. No further details are known at this time. Sol Wolf advised the Board to make no further comments.

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

Respectfully Submitted,

Theresa L. George
Recording Secretary