

**MINUTES
NORTH LEBANON TOWNSHIP BOARD OF SUPERVISORS
FEBRUARY 16, 2004**

The regularly scheduled meeting of the North Lebanon Township Board of Supervisors was held at 7:00 PM at the North Lebanon Township Municipal Building, 725 Kimmerlings Rd, Lebanon, PA with the following people present:

Kenneth C. ArtzChairperson
Dawn M. Hawkins.....V-Chairperson
Edward A. BrensingerTreasurer
Cheri F. GrumbineTwp Manager
Kim R. WolfeChief of Police
Frederick S. WolfHenry & Beaver, LLP

Also in attendance was: Jim Ryan of the Daily News, Al Winn of the Patriot News, Theresa George, Greg Behney and John Leahy Twp employees, and approximately 12 other individuals.

The meeting convened at 7:00 PM and the pledge to the flag was done.

COMMENTS FROM THE PUBLIC

A.) Jeff Shyk – David Miller Assoc – Bryan Perry Tract

Mr. Shyk introduced himself to the Board and explained he was representing Bryan Perry. Mr. Perry owns a property located off Grace Ave and Homestead Acres development, which is currently being constructed to the west of the Perry property. Shyk said they had attended the Planning Commission meeting last week and are now appearing before the Board tonight to discuss a sketch plan. There are a few issues that they would like to discuss before a Preliminary Plan is presented to the Twp. There seems to be a limited choice as far as the eastern side of the property. Perry has contacted his neighbor Mike Myer about purchasing an acre from him. Due to easement/zoning requirements and utilities the plan has been pretty much dictated by these factors.

The question to discuss tonight is the western end of the property. The question seems to be the future extension of Twigg Ave. Currently Twigg Ave ends in a temporary cul-de-sac. There are wetland and severe grading issues in this portion of the tract. Mr. Shyk explained the 2 options they feel would be agreeable for this problem area. Option #1 would be to continue the extension to the neighboring Fisher property and construct a temporary cul-de-sac at the end. The other option would be to construct a short cul-de-sac, which would tie up the end of the street. There would only be 3 lots gained with this option. This would create maintenance issue with the Twp.

Despite the fact this is an Ag property, County Planning has indicated they would prefer option #1, extending to the neighboring property. There are some other Ag properties in this same area. One of these areas has currently applied for a new zoning classification.

Bryan Perry Tract (con't)

The temporary cul-de-sac that had been mentioned would actually connect to this potential development area. Mr. Shyk said they are interested in hearing the Board's opinion before they come back to the Twp with the Preliminary plan submission. Suv Brensinger voiced his opinion that the 2nd option of a short cul-de-sac would be too short in order for the Twp to receive any Liquid Fuels funds. Chp Artz said the idea of the connection of the 2 developments had been based on safety factors. Emergency vehicles traveling into and out of the area was one of the concerns. To construct a short cul-de-sac would defeat the planning that had gone into earlier planning. Bryan Perry pointed out some areas on his tract and explained the grading difficulties they will be dealing with as the planning is continued for this property. He continued onto say the "building envelope" does not contain the power line easement. They had requested a zoning change back in 1996 to be rezoned from R-R to R1 but were denied. Most of the lots contain at least 1/2 acre and some are larger. The minimum lot size is 20,000 square foot.

Suv Brensinger asked if he understood the reasoning to not continue Twigg Ave was due to wetlands? Mr. Perry said that plus they had been met with great opposition from the existing residents in 1996 when they had first proposed the continuation. Since that time Perry has constructed a workshop in the area where the street extension had originally been designed. Perry stated that he had met with Mr. Fisher, who does not have immediate plans to develop. However, prudent planning for the future dictates he be included in the current planning for this area. Some discussion took place about the existing street and the proposed extension.

Suv Brensinger said if Mr. Perry is asking for an opinion between Plan A and Plan B, the choice would have to be Plan A because Plan B would definitely not work for the Twp. Suv Hawkins asked if there would be storm water management in regards to the wetlands on the eastern side of the property? Shyk said that information would have to be analyzed further, as to what is permissible. Chp Artz then said the only issue to be settled tonight was an opinion on the cul-de-sac. He then agreed with Suv Brensinger's opinion that there is not really an option due to the fact the option B is just too short for the Twp to collect any state funds. Shyk asked if the distance were 250 feet would the Board be more open to this option? Chp Artz said this would eliminate the possibility for any future connection to any of the neighboring properties. Shyk said he had spoken to Mr. Fisher who is agreeable to the temporary cul-de-sac being located on his property. Chp Artz asked Suv Hawkins her opinion on this issue. Suv Hawkins said she is definitely not in favor of a cul-de-sac. She then said she thought it had been agreed the Twp would not approve cul-de-sacs. Chp Artz then said we certainly do not like cul-de-sacs. In looking to the future and thinking the area to the right of the Perry property could be developed. If the temporary cul-de-sac is not in place currently, there would be no possibility for connection should any future developing take place. Suv Brensinger said it would be prudent planning to allow the temporary cul-de-sac on the Fisher property and plan for a future connection possibility. Chp Artz told Mr. Shyk the Supervisors were in agreement to allow a temporary cul-de-sac located on the Fisher property in order to allow for future connections.

B.)Martin Barondik – 2106 New Street – Chief of Police Issues

Mr. Barondik told the Board he would like to discuss a flyer he had found in a local store. The flyer referenced the Chief of Police of NL Twp and some of the benefits, which were supposed to have been taken from him and the treatment of the Police officers.

Chief of Police Issues (con't)

Barondik told the Board he would like to read the flyer. After Barondik finished reading the letter Chp Artz asked Mr. Barondik if he had a specific question for the Board. Barondik stated he would like to know what this is all about. Chp Artz then asked the Public if there were any other questions related to this same issue. When a few people started speaking, all at the same time, Chp Artz said he would like them to state their names and addresses for the record.

Faith Wolfe – 1129 Alpha Ave

Ms Wolfe said she has the same questions Mr. Barondik has just asked.

Martin Barondik

Barondik then told the Board the flyer seems to state the issue pretty clearly and he would like to have an answer to his questions. Suv Brensinger said the first response he would like to make is that the Chief of Police salary was NOT cut. He continued onto say the salary for Chf Wolfe had been increased, effective the first of the year. Chf Wolfe's overtime and comp time had been eliminated. Barondik inquired about the effects on the Chief's Pension? Barondik then asked why the Police officers have to pay 5% into their Pension fund, which is most likely going to arbitration. When Barondik started telling the Board his opinion, Chp Artz interrupted to ask if the Board may try to answer his questions, which Barondik indicated his agreement.

Chp Artz started by saying the Supervisors try very hard not to discuss individual personal earning issues in public. When Barondik asked if he is saying the Board will not discuss this issue, Chp Artz told him not to put words into his mouth. If it is the wish of the public to discuss this, the Board will certainly do so. Chp Artz told the public that a detailed informational sheet has been prepared which should address some of the issues outlined in the flyer Mr. Barondik had read out loud. He said many of the items listed in the flyer are not factual statements. The information Chp Artz mentioned was distributed.

Barondik offered several of his thoughts on having a "happy and healthy" Police Dept. He said we should pay more attention to the invasion from the south that we are experiencing. Why would the Supervisors insist on "jerking the chain" of the Police Dept? Sol Wolf told Barondik that the flyer he had read had also been furnished to the Supervisors when they had visited a convenience store. He then explained the information that Chp Artz is distributing is an attempt to answer some of the points suggested in the flyer. The information provided is basically outlining the contents of the Police officer's contract. Also some information about the Supervisor's enquiries regarding some outside issues is included. Sol Wolf suggested that everyone take a few moments to review the information that Chp Artz distributed. One thing Sol Wolf reminded the Public was that the Chief of Police is separate from the "bargaining unit" that the other officers are involved with. The Association has presented the question of whether or not the Chief should be a member of the Association. The Association is currently taking action to accomplish their goal with this issue.

Sol Wolf proceeded to point out several different facts listed in the information. Item B listed the Chief's salary and mentions he is the highest paid employee of the Twp.

Chief of Police Issues (con't)

Described is the various ranks within the Police Dept. The highest-ranking Police Officer within the Association would be Patrolman 3. After that rank there are a series of "bump ups" in compensation to Detective and Sergeant. Sol Wolf outlined the decisions made by the arbitrator regarding the chain of bump ups in rank and the compensations involved with each rank. Some other items that Sol Wolf pointed out is that both the Chief and the Sergeant/Detective work all day shift, so they are not involved in shift differential. Sol Wolf discussed everything that was included in the Chief's increase, salary wise. The Chief's overall salary addresses comp time, paid lunch time, call out time, educational trainings, and court time (which is usually day during his shift) holidays, sick leave, bereavement time, personal days and vacation time. Also discussed was the practice of cashing in comp time and vacation time. The medical benefits and personal medical escrow provided were discussed. Post retirement health insurance for Police Officers was mentioned, which will only begin in 2006. Life Insurance, uniforms and equipment that is provided (along with replacement & cleaning), the retirement plan that is given to the Officers and the Chief after 25 years of service. The new benefit the legislature granted to the Police Officers, last year, is the "Killed in Service" benefit. Should an Officer be killed while on duty the spouse would receive 100% of the officer's established salary at the time of death. The spouse would continue to receive the annual salary until the day they die.

Sol Wolf then mentioned some of the issues the Twp is concerned about for the future. The overall cost of the Police Dept is a real concern. In reviewing the decisions that had been handed down in December, Sol Wolf stated the only issue the Board has expressed concern about was the post retirement health insurance benefit. The concern discussed was the actual amount of financial responsibility this could create for the Twp in the end. In looking at the budget for 2004, the Police Dept accounts for 40% of the established overall budget for the Twp. The problem the Twp is trying to get control of is the generated overtime for the Police Dept in 2003. Sol Wolf read a comparison of the reported overtime since 1998, which indicates this is a growing problem for the Twp. Chf Wolfe, when accepting this position in 2000 had 2 weeks of unused vacation time. This has now accumulated into 11 weeks to date. Accumulating comp time and using it in place of vacation time accomplished this. Twp Non-uniform employees are currently permitted to carry 2 weeks of vacation time from one year to the next. The Board is requiring Chf Wolfe, over the next 3 years, to cash in or use 3 of the 9 weeks that he has accumulated. The Twp is concerned about the revenues for the Police Dept dropping steadily. Another question deliberated by the Supervisors is "Is it the Twp or the Chief that determines his salary, overtime and Comp time?" No other department head has this benefit. No other department head is given a written contract.

Sol Wolf repeated that fact the Chief has not indicated he does not wish to be Chief. He has a dispute about his compensation and the items his salary includes. Chf Wolfe also has a big dispute about not having a decision, now as opposed to 2006, about a post retirement health insurance. Barondik asked Sol Wolf if he is now finished. When affirmed he told the Board and Sol Wolf that he will have to review this information. He wants them to know this is not done with. He will be back to discuss this issue. Barondik then asked Sol Wolf if he is addressing him or is he addressing the Board. Sol Wolf told him he is addressing the Board,

who asked him to outline information from the Police contract. Barondik voiced his dislike of the fact that the Supervisors had purchased the former Ebenezer Elem School.

Chief of Police Issues (con't)

His next issue of disapproval was the purchase of the former Moyer property located on Narrows Dr to be used as recreational property. It is his opinion that this Twp needs another park like it needs a hole in the head. He said he is willing to pay for Police protection but he certainly does not need any more parks. Barondik stated he wants good Police protection because he is not as young as he used to be. Sol Wolf, jokingly, agreed with Barondik that he is right. He is not as young as he used to be. Barondik then told the Board he has lived here all his life. He feels the taxpayer should determine the Chief's salary. He knows every Police Chief all the way back to Chf Jim Mason. In his opinion, the current Chief is the best Chief of Police this Twp has ever had. Barondik said he feels there should not be a comparison between the Police Dept and other Twp employees. He said the officers could answer a domestic dispute call and be killed. They put their life on the line every time they answer a call. In his opinion, maybe that calls for a little bit extra. Barondik then questioned the decision by the Board to continue arbitration disputes involving the Sebastian case. How much did this cost the Twp to fight this case? Chp Artz replied it cost quite a bit. Barondik then questioned, \$5000 either way? What was it? Chp Artz said he could not quote an exact cost. Det/Srgt John Leahy else stated he could provide the exact figure. Chp Artz asked the individual to identify himself. Barondik told the Board the figure of \$92,000, which was spent in fighting the Sebastian issue.

Chp Artz said it was the Police Dept that placed the Twp in this position. When Barondik voiced his disbelief, Chp Artz asked if he might explain. This individual was injured in the line of duty, which was acknowledged by the Board. The man was not capable of fulfilling the duties of his position any longer. Under any criteria, an office must be able to fulfill their duties. The Board was forced to discontinue his Heart & Lung benefits. The other officers from the department had indicated to the Board they were tired of covering for the lack of this officer's performance. They wished to be relieved of the burden. The Board, after hearing the other officers' wishes started procedures to have him removed from the force. Within a matter of months a grievance appeared from the Police Association. The man accepted a cash settlement from the Twp worker's comp insurance once his benefits were eliminated. After everything was done the Police Association then filed a grievance against the Twp. Det John Leahy jumped into the conversation saying that is because you (Board) violated the contract. Barondik argued they have the right to file a grievance. Chp Artz agreed they do have that right. It also put the Board in a bad position. There were several different people to the rear of the room voicing remarks and confusion was the result.

Barondik then said he wants to make his position clear. He is not here for the Police Dept and he is not here for the Chief. He is here for himself. He also added there is no one who has given the Police Dept more grief than himself when he had been employed by the Twp many years ago. He told the Board he intends to thoroughly review this information that has been provided. Chp Artz said he would like to comment on Barondik's remark about not caring about expenses. Does this mean he doesn't care what his taxes would be? Barondik said he doesn't care. Chp Artz said this municipality is just about at its limit for taxation. Barondik countered with. Did you ever think about downsizing some other Twp services? Chp Artz said that has no bearing on this. Most of those services are partially funded by Grants. Barondik

exploded declaring he is tired of hearing about these Grants. He said a Grant is like dealing with the mafia. Sooner or later you have to pay for it. Barondik then mentioned he had heard there are plans for expansion at the Twp building.

Chief of Police Issues (con't)

Chp Artz answered that there is always Capital Improvement funds. Everyone has a Capital Improvement fund. Barondik repeated there are other twp services that could be cut. Chp Artz replied that cutting services does not generate income. Barondik fired back stating you can move your funds around. It's been done before.

Faith Wolfe – 1129 Alpha Ave

Ms Wolfe said if the concern is cutting back, "why not cut the Manager's salary? Why not cut back on Ed's salary? Why are you picking on Kim? This is discrimination against the Police." Chp Artz asked if she has any comparisons to make. Ms Wolfe replied, "Ed, do you get overtime?" Response, yes I do. Do you get comp time? Yes I do. Cheri, Do you get overtime? No, I do not. Do you get comp time? Only when invited by the Board of Supervisors to attend meetings. Not when I am here after normal business hours working on day-to-day operations. Wolfe then asked the Board why would you give overtime to Ed and the not the Chief of Police or the Twp Manager? Mgr Grumbine asked if she could respond to that question. Mgr Grumbine said the reason is that the Chief of Police and herself are the ONLY 2 department heads that report directly to the Board. Ed reports to her, as the Detective reports to the Chief of Police.

Ms Wolfe told the Board they are not answering her question. Why is the Twp not cutting other Twp services? Chp Artz asked if she read in the information, which he had distributed, how much abuse of overtime there is and the results it has caused? Ms Wolfe remarked she can guarantee the Twp will be going to court again, once over the 5% contribution and then again with Chf Wolfe. So the Board is spending more of the taxpayer's money. Ms Wolfe declared there is no reason, after 25 years of service, Chf Wolfe's benefits should be cut. Chp Artz responded his benefits have NOT been cut. Ms Wolfe then asked if the Chief's benefits are identical to what they were when he was hired as Chief of Police? She repeated identical? Chp Artz stated that when hired as Chief of Police some of the issues changed. Wolfe strongly disagreed, saying there was a "gentleman's handshake" guaranteeing he would retain every benefit he had at that time once he accepted the Chief of Police position. Chp Artz did not agree with Ms Wolfe's observations. He then told her he is not one of the officers. Wolfe then asked, does he not carry a gun? Does he not wear a badge? Does he not have to get re-certified every year? Does he not answer calls? You are trying to tell he is not a cop? Chp Artz responded she is taking the word officer in a literal text. That was not his meaning. He clarified his meaning by saying the Chief is not in the Police Association. He is now management. Ms Wolfe demanded he should get everything that all the other cops get. Ms Wolfe continued asking several questions about the duties of the Chief.

Chp Artz asked Ms Wolfe if she feels the salary offered to the Chief is unfair. She indicated that, yes, she feels it is unfair. Ms Wolfe then questioned the 2 ½ hours Chf Wolfe put into he Drug Task Force He has not yet received payment. Why is his payment being withheld? Ms Wolfe questioned Suv Brensinger. Did you not authorize the Chief's participation in this assignment? Suv Brensinger agreed, yes, he did authorize it. Office Behney who also worked that night received his payment, according to Ms Wolfe. She continued onto say the Twp

office staff was instructed to not pay Chf Wolfe. She then questioned Ed Brensinger about a remark he had made to the Chief during one of the meetings the Board had with the Chief.

Chief of Police Issues (con't)

Suv Brensinger responded he did not use the adjectives she used but the remark he had made was similar in nature. Ms Wolfe then told the Board this whole issue has come about because the Board does not like the contract that had been awarded to the officers.

Detective/Sergeant John Leahy – 725 Kimmerlings Rd

Det Leahy questioned the Board about the last 3 years they have spent fighting the Police Dept. How much has it cost the Twp and how much has the Board won? Chp Artz replied he could not answer that question, as he does not know the exact amount. Det Leahy stated he knows the exact amount spent. He reported it is just shy of \$99,000 spent in the last 3 years to fight the Police Dept. He announced that the money spent is taxpayers' dollars. As he is also a resident, he would like to know how much a mil amounts to in dollars. He said the Board had raised his taxes a mil, if he remembers correctly. Interesting to think the taxes were raised a mil and are being used to fight the Police Dept, according to Leahy. He repeated his question about what the Board has won in the fight against the Police dept in the last 12 years? Maybe the Board should stop to think about what this is telling them. Maybe they should think about sitting down with the Police Dept and try talking to them. Suv Brensinger then asked Det Leahy if he thinks the Board should give into everything they ask for? Det Leahy replied no, not necessarily but try to negotiate. Negotiate does not mean sit down and stare at a tablet. That is not negotiating!

Barondik jumped in to say the Board should not be taking it out on the Police Dept. Blame it on the arbitrators. They are the ones responsible for the awards the Police Dept received in their contract. Barondik started asking Chp Artz about when he worked for Bethlehem Steel and was in the union. Chp Artz replied that situation was different. An arbitrator was not appointed. It was someone who had some knowledge of the issues. He then said this is nothing related to the issue at hand.

Keith Henderson - 213 Light St

Mr. Henderson told the Board he lives in NL Twp and is also a Police Officer for Lebanon City. Henderson remarked that the Police Chief and all the officers of NLT are of the highest integrity and honor. He feels they deserve the pay they are receiving. Also the citizens of the community receive the quality service they get due to the fact that the officers are of such honor. He said there are many officers who leave the City to work for NLT. Henderson stated he feels the Chief's position calls for the salary he is receiving, if not more, as well as the patrolmen. NL Twp is growing and there will be other taxes coming.

Mr. Henderson directed the Boards' attention to a "Bill" called the "Chief's Bill" enacted January 1, 1985. He proceeded to read the Act. Sol Wolf explained that the Act Henderson just read does not apply in this situation as it refers to Chiefs who have been removed from the bargaining unit by the PA Labor Relations Board. In this situation, back in the early 80's, the Association and the Board, at that time, agreed that as part of the contract the Chief would not be a part of the bargaining unit. This had been signed by all the officers and has been

carried through on all agreements since that time. Sol Wolf repeated he has not heard any of the Board members talking about being unhappy with the salaries that had been awarded by the arbitrators in 12-2003.

Chief of Police Issues (con't)

The Board reviewed the arbitrator's assessments for the other officers when considering the salary for the Chief. Henderson questioned Longevity for the Chief. He was told longevity is included in the amount that was calculated for the Chief's salary increase. Henderson then told the Board he feels they should take a look at the situation they are currently in. The issue went to an arbitrator, even with the Chief being removed from the bargaining unit, they should certainly see they are in a losing position. Henderson repeated his remark about the officers' honor and integrity. When the time comes for Chf Wolfe to leave the position, the Board needs to think about what message they are sending to the remaining officers. They will get the message the Board will not be behind them if they pursue becoming Chief. If the Board considers looking outside the Dept, all that will be available for hiring is the "trash". You will not have the same integrity that you have now. Mr. Henderson said he is asking the Board to really consider what they are doing. Chp Artz repeated his earlier remark that he has never discredited the Police Dept or the work that they do. This includes the Chief. The Board's concern is the costs of the Dept and any abuse that might be occurring. Henderson said he wants to mind the Board that this is a small community and everybody needs to work together. Everyone needs to be a team player. There are other costs that could be cut before starting with the Police Dept. Chp Artz stated that he is hopeful that anyone who reads the information given out that there has not been any cuts made.

Faith Wolfe

Ms Wolfe questioned the Drug Task Force and the overtime that is accumulated as a result of the assignments. The County reimburses the Twp for these details. Are the hours listed included the reimbursable hours or not? She continued onto ask about incentives for sick time that is not used. The Twp offers no incentive for the Police Dept to not use their sick time. She feels a percentage should be offered to the officers. Chp Artz said he is confused about her commenting on sick time when they are discussing overtime. Ms Wolfe said there might be some overtime for one officer because other officers are out sick. There has to be other ways for the Budget to be cut. It does not have to be only with the Police Chief and overtime issues. The need for good coverage is out there. Chp Artz said he is not disagreeing with that fact.

Keith Henderson

Mr. Henderson asked if this is all about \$2000 + for overtime hours. He said when you really think about it, is it really so much? Another officer could not even be hired for this amount. Is the overtime really out of line? Chp Artz said the overtime has been escalating every year. So where should we stop this?

Chief Kim Wolfe – 725 Kimmerlings Rd

Chf Wolfe asked the Board if he might speak freely on this subject. The Board agreed he certainly has the right, as this is a reflection on him. Chf Wolfe stated he has sat with the Board, in meetings, for several months. On December 29, 2003 he was handed the "Terms of

Employment for the Police Chief". This was the first time ANY chief was given any document of this nature. Some of the remarks he has heard tonight are correct. A handshake agreement was in place for 4 years.

Chief of Police Issues (con't)

During those 4 years he has received exactly the same benefits as all the other officers. He told the Board if they were to hire a new officer tomorrow, even with being on probation, that new officer would be receiving more benefits than the Chief of Police is receiving today. Chf Wolfe said the terms of employment for the Chief of Police do NOT mirror and are not equal to the rest of the officers in the department. In his opinion that is the problem He continued onto tell the Board the frustration he is experiencing now that he is this close to his retirement. The frustration of leaving a Sergeants position to be appointed as Chief of Police and now not have the security he had, as a Sergeant is another frustration he has to deal with. He is frustrated the Board has taken that security away from him. The most irritating issue is being told he is not guaranteed a return to his previous position in order to regain that security. The Board responded to the question by answering that they would consider this request. He said he has a real problem with being told the Board appreciates the work he has done but they would only consider this request. That means there is a 50% chance that if he decides to leave the Chief position he could be "out the door", according to Chf Wolfe. Ch Wolfe said his appointment was to the Chief of Police position not as any other Twp employee. Not as sewer department or road department and not in the administrative office. It was to work in the Police Department as a Police Officer and doing the same things a Police Officer does. This is what he is asking for in return. He explained to the Board that he does not agree with anyone who is saying that his benefits mirror what he had in the past 25 years. This remark is incorrect. "Do not try to leave these people with the impression that it is identical because it is untrue."

Kelly Long – Long's Store

Ms Long said she does not have any questions but she does have a few comments. She and her husband own a business in NL Twp. She said she wants cops on overtime if that is what it takes. She wants that protection if someone tries to rob her store. All the officers have always been very helpful to her. She said she agrees that the taxpayers' money needs to be directed toward Police services. In her opinion Chief Wolfe is deserving of his pay as well as the other Officers. She also told the Board she feels they should listen to what he has to say.

C.)Ed Arnold – Right-of-Way Questions RE:Water Line Project

Mr. Arnold said he had some questions about the R-O-W in connections to the Water Line Project. Sol Wolf told Mr. Arnold he would like to get some dates and times from him in order to have the Engineer meet with him.

APPROVAL OF MINUTES

Suv Hawkins told her fellow Board members there was some wording she would like to have changed in the Winterfest discussion. The wording regarding "laughing" should be removed from the record.

MOTION: Was made and seconded to approve the minutes from February 2, 2004, with the wording revised as suggested. Unanimously carried.

APPROVAL PAYROLL, PAYMENT OF INVOICES, FUND BALANCES

MOTION: Was made and seconded to approve payroll, invoices for payment and fund balances, which are all subject to audit. Unanimously carried.

CHIEF OF POLICE REPORT – Kim Wolfe

A.)Calls For Service – January 2004

Chf Wolfe provided the following report for the month of December:

1. Calls for Service totaled 204
2. 60 Criminal arrests
3. 80 Traffic arrests
4. 43 Court dates
5. 71 Follow up investigations
6. 45 Warnings
7. 14 Burglar Alarms
8. 2 Assault or aggravated assault
9. 9 Domestic situations
10. 2 DUI arrests
11. 4 Drug Arrests
12. 13 Police Assists
13. 7,676 Miles logged on the cruisers

B.) National Law Enforcement Conference @ Seven Springs Resort – April 27-29

Chf Wolfe informed the Supervisors that the Police Dept is requesting 2 officers attend the training Law Enforcement Seminar held at Seven Springs on April 27-29. Registration is \$195 per officer and a room for 3 nights. The total for 2 officers to attend would be \$609. Chf Wolfe told the Board the officers have attended this conference in the past and have found the seminar to be very worthwhile. The 2 officers would be 2 that have not had the opportunity to attend this conference before.

MOTION: Was made and seconded to authorize 2 officers to attend the National Law Enforcement Conference @ Seven Springs. Unanimously carried.

C.)Request for Fire Police for Saturday July 17, 2004

Chf Wolfe reported to the Board that he had received a request from the Historical Society regarding a garden tour they will be hosting in July. A request for Fire Police in the area of the Union Canal Park to assist with the traffic has been submitted. Also another request is for a residence along Tunnel Hill Rd that is a “blind spot” between 32nd & 33rd Streets. This area is a dangerous spot particularly when there is a lot of traffic. Beverly Manbeck had been the contact person. Chf Wolfe explained a Certificate of Liability Insurance would be needed. She indicated that should not be any problem on their part. After the Certificate is received Sol

Wolf would then be asked to review it. Suv Hawkins questioned if Ms Manbeck will provide a list of any areas of concern to anyone participating in the tour, in regards to the traffic. In her letter she mentioned providing information to the participants. Suv Hawkins asked Chf Wolfe if he had spoken to her about providing this information.

Request for Fire Police for Saturday July 17, 2004 (con't)

MOTION: Was made and seconded to authorize Chf Wolfe contacting Beverly Manbeck regarding the tour for the Historical Society and providing Fire Police for traffic problems, along with a request for a Certificate of Liability Insurance to be approved by Sol Wolf. Unanimously carried.

Suv Hawkins questioned Chf Wolfe if he could provide totals for Calls of Service from last year in order to compare with the totals from this year. She feels it might be interesting to see how the totals vary. Chf Wolfe told her he would get the information for her but he does not have the figures at this time.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine

A.)Approval to Advertise Bid Paving & Fuel Bids

Mgr Grumbine told the Board she is asking for authorization to advertise for bids for the paving projects for 2004 per the approved budget. The areas would include Brook Dr from Narrows Dr to Northcrest Mobile Home Park (0.7 mi.) and E Kercher Ave from Rte 343 to St Jacobs Dr (1.51 mi.). The estimated cost for these 2 streets including storm water is \$165,000. Our Liquid Fuels Fund would cover the cost of this expense. The fuel bid would be for heating fuel for the building and diesel and gasoline for the various departments would include a card system for tracking usage. Mgr Grumbine is also asking for authorization to hold bid opening April 14, with the award to take place on the Thursday, April 22 meeting, which is scheduled to commence at 2:00 PM.

MOTION: Was made and seconded to authorize the advertisement for bids and the awarding of the bid to be held on April 22 @ the 2:00 PM meeting. Unanimously carried.

B.)Letter of Agreement – GSH Corporate Regain

Mgr Grumbine is presenting to the Board an agreement with the GSH Corporate Regain Center. The Township currently uses the Corp Regain Center for Worker's Compensation, CDL programs and flu shots. The annual cost to participate is \$50.00.

MOTION: Was made and seconded to approve the agreement with GSH Corporate Regain for Worker's Compensation, CDL programs and flu shots. Unanimously carried.

C.)GLRA Representative Meeting Attendance

A MEMO was received in regards to the Twp representative receiving a stipend of \$27.50 for regularly scheduled meeting attendance. A stipend of \$20.00 for any committee meetings is also being offered. Mgr Grumbine explained our representative is also a Twp employee. Bonnie has indicated she would prefer to receive the 1-hour Comp time she is currently receiving in lieu of the \$27.50 stipend. When the committee meetings are held in the daytime

Bonnie is receiving her regular wages from the Twp. The \$20.00 stipend would not apply. However when Committee meetings take place after regular Twp business hours she would be entitled to the \$20.00 stipend.

GLRA Representative Meeting Attendance (con't)

Mgr Grumbine is recommending the Board take action to deny the \$27.50 stipend for the regular monthly Tuesday meeting (continuing with the 1-hour comp time) and permit our representative to accept the \$20.00 stipend for committee meetings that take place after business hours. Should any of the Committee meetings take place during the day when our representative would receive regular twp wages, she would not be eligible to receive the \$20.00 committee-meeting stipend.

Suv Hawkins questioned if it is comp time that Bonnie is receiving. If the meeting is for 1-hour, is the comp time then equal to 1-1/2 hours? Mgr Grumbine responded yes. Suv Hawkins then said the \$27.50 is being paid by the GLRA but the comp time is being paid by the Twp, correct? Mgr Grumbine confirmed this is correct. When Suv Hawkins stated the Twp is paying the time that Bonnie is at the meeting, Mgr Grumbine said not exactly she is afforded the time off. Mgr Grumbine also said it is a part of her job description that she also serve as the representative and attend these monthly meetings. The previous Recycling Coordinator was also given the same offer. Mgr Grumbine said this is the first the Twp received this offer. Suv Hawkins asked if this is something new from the GLRA. Mgr Grumbine said she is not sure if it is or not. Sol Wolf said he is aware of 1 other municipality that has one of their employees serve on the GLRA Board and they are accepting the stipend. Suv Hawkins said she would much rather have Bonnie accept the stipend than to offer her an hour and a half time off at the Twp's expense. She said she is not trying to disturb the way things are being done but it makes more sense to accept payment from the GLRA. Mgr Grumbine explained that it has worked out well very having an employee as the Twp GLRA representative. In the beginning the representative was not keeping the Twp informed as well as they should have. Some important information was being missed.

Suv Brensinger and Chp Artz both agreed that they would be willing to go along with the employee's request. Mgr Grumbine asked the Board if they would agree to her checking into having the stipend (\$27.50) from the GLRA submitted to the Twp. This would be in line with Dawn's thinking. Sol Wolf said that was what he was trying to explain to the Board. Mgr Grumbine stated it is important that she review this option first as she does not wish to do anything illegal. Sol Wolf said the municipality approves the receipt of the stipend and has it submitted to the Twp office. The Twp then deals with their employee as to how it is actually handled. Mgr Grumbine agreed with Suv Hawkins it does make sense to offset the cost with revenue.

MOTION: Was made and seconded to approve the stipend from the GLRA and the Twp would in turn compensate the Twp representative/employee with comp time. Unanimously carried.

D.)GLRA Major Permit Modification – Increase to Average & Max Daily Capacity

Written notification has been received from the GLRA in reference to applying for a Major Permit Modification for an increase in the average and maximum daily capacity of the GLRA.

The GLRA is currently permitted 366 tons per day per calendar quarter with a maximum of 535 tons per day.

GLRA Major Permit Modification (con't)

The request for the Permit Modification is to raise the maximum allowance of tonnage per day to 750 with a calendar quarter maximum of 1,100 tons. Comments from the host municipality and county must be received by DEP within 60 days of receiving a copy of the application from the department. The Twp did receive a copy of the application but notice indicates that the application is available for review at the GLRA or the South Central Regional Office of DEP. Mgr Grumbine told the Board if they would like to received a copy of the application, she would request a copy from Mr. Taylor at the GLRA. Chp Artz remarked on the sizable increase regarding the tonnage. That will mean increased wear & tear on the Twp roads. Suv Hawkins said that comes to double the current tonage.

Martin Barondik

Mr. Barondik had a question about the GLRA and when the Authority had originally been established. At that time it had been decided only County refuse would be dumped there. Is this still the policy? The Board indicated that policy is still in place. Barondik told the Board, as a citizen, he is concerned about that much of an increase in tonnage. Chp Artz agreed this is a concern. Suv Brensinger said it is his feeling that the request is planning for well into the future. To have to go through the re-application process every 3-5 years is probably what the GLRA is trying to avoid. He said again this would be his guess, he does not know this to the facts. Barondik said even if you are considering the future, that is a lot of traffic for Heilmandale Road. Chp Artz said his question would be, what will the Twp receive for the GLRA's increase in tonage? Suv Hawkins agreed with this question. Some conversation flowed about the lands the GLRA has purchased recently. Suv Brensinger said he wonders how much longer the GLRA will be contained in NL Twp only.

Barondik said the plans for the GLRA, at one time had been in the office. The plans showed the landfill going right over Russell Road. Did anyone see that plans or hear anything about this? Suv Brensinger said the GLRA had offered to "take Russell Road off our hands". Barondik said the planning for expansion had started 30 years ago already. His main question is about accepting trash from outside the County. When asked if he thinks they are abiding by this policy Suv Brensinger said yes they are. He remembered that the landfill had to actually turn away some County trash as they were hitting their max daily limit. The trash that was turned away was sent to Lancaster County, which was not an agreeable issue with the GLRA.

Suv Hawkins asked if the GLRA were going to be doubling their intakes, which will in turn double the traffic for Twp roads, would the Twp receive more funds from the increases? Suv Brensinger explained the Twp receives what is called a "tipping fee" based on the tonage. If the amount of daily tonage is doubled then the amount of the tipping fee the Twp receives should be doubled. He continued by saying he feels the Twp should receive "over and above" that amount due to all the trucks using all the Twp roads to gain access to the Landfill, unless the entrance to the Landfill would be relocated. Suv Hawkins questioned seeing the actual application. Would that deduct from the 60-day time period allowed for the Twp's response? Mgr Grumbine said she has no idea what the application entails. Suv Brensinger agreed it

would be to the Twp's benefit to see the application, as it would contain studies and information compiled to validate the GLRA's request for the increase. Suv Hawkins asked what amount of time it would take to receive a copy of the application once we ask for it. Mgr Grumbine said she has no idea.

GLRA Major Permit Modification (con't)

She could make it clear when requesting a copy of the application, from DEP, that we would like the 60 days to start only WHEN we actually receive a copy of the application.

MOTION: Was made and seconded to have the Twp Manager request a copy of the application from the GLRA regarding an increase in tonnage. Unanimously carried.

SOLICITORS REPORT - Frederick Wolf

A.) Boundary Line with Bethel Twp

Sol Wolf told the Board the Supervisors have agreed and signed the plan for the boundary line established by a survey in the early 1890's. Bethel's attorney asked Sol Wolf to find out when the current survey will be completed. Per Gary Matthews, the project will be started this week and should be completed the end of March or early part of April 2004. Sol Wolf provided this information to John Enck, Bethel's attorney. The petition and order of court was provided to Attorney Enck also. There have not been any adverse comments so Sol Wolf asked Attorney Enck to have the documents signed by the Board and return to NL Twp. Sol Wolf would then submit it to the court.

B.)Property Clean Up

1. William Thomas / Oak/Maple Lane – Mr. Thomas can now be removed from the agenda as all issues are now completed and he is in compliance.
2. George Hardick / Mt Zion Road – John Oates / Jay Street - The Board had approved hearing dates being scheduled for these 2 properties. Sol Wolf is waiting to have the hearing dates schedules and confirmed.

C.)Tom Stewart Request – Water Lateral Easement

Sol Wolf stated the Board has indicated that they were willing to approve a right-of-way to Mr. Stewart. The Twp will prepare the right-of-way agreement but Stewart will have to provide a map showing the location of the right-of-way. Sol Wolf asked the Board if they have any specific course of action to follow as far as the map they would like to have provided. Suv Brensinger said he felt a 20 ft R-O-W easement would be sufficient.

D.) Spruce Park Redetermination – Real Estate Transfer Tax

This issue is in reference to the prior transfer, not the current owner. When the deed was recorded the State determined the value that had been stated in the deed was incorrect. The State then reassessed 1% Realty Transfer stamps on the difference. An assessment was also done in regards to the Twp and the Cornwall Leb School District, which is 1%. The amount owing and due to the Twp and school district would be \$8,000. Split equally it amounts to \$4000.00 each. When the recent transfer was completed the Recorder of Deeds Office was

informed the tax from the previous transfer would be paid. This did not happen and there is money being held in escrow. Sol Wolf had sent a letter to the attorney who represents the seller, the purchaser, the title company and the company holding funds in escrow explaining a deadline date will be established for payment.

Spruce Park Redetermination (con't)

If the money is not paid, according to Twp Ordinance there will be penalties for not paying. A letter from the seller's Attorney was received by Sol Wolf asking for a copy of the re-determination. Sol Wolf sent a copy to him by mail. Sol Wolf is hopeful the attorney will approve the releasing of the funds placed in escrow. The company holding the funds in escrow has indicated they will release the funds when notified to do so by this attorney. If the funds are paid by the end of the month, the Twp will not be forced to take the next step.

E.) Public Hearing March 15, 2004 – 1998 Water Street Rezoning Request

Sol Wolf announced that the Twp will be holding a Public Hearing about the rezoning request from Henry & Sarah Smith/ Hess Home Builders. A copy of the Ordinance that is to be considered will be provided to Mgr Grumbine. The Public Hearing will be advertised and the property itself will be posted with signs to inform surrounding property owners of the hearing. Martin Barondik told Chp Artz he had a question for him. He wanted to know if Chp Artz had excused himself from this issue? He asked this question due to the fact that his son owns property in this area also. Suv Brensinger said Artz's son does not own the property that is being requested. He owns a neighboring property. Barondik said he knows that but he wonders if this issue might be a conflict of interest for Chp Artz. Chp Artz said he feels he would only have to step back if it actually concerned his son's property. Barondik answered that it could affect his property eventually. Chp Artz stated that it has never crossed his mind to step back from this issue.

F.) Mobile Home Tax Delinquency

Every year the list of delinquent taxes is reviewed and notices are sent to the Mobile Home owners that have delinquent taxes. These notices have been completed for this year.

G.) McNeal Property – 1002 Kochenderfer Rd (Fire Property)

This property was damaged by a fire. Erie Insurance has contacted the Twp about the cleanup of this property. Under the law and twp Ordinance they are required to apply to the Twp for clarification that there are not unpaid taxes or utility bills. The Twp then issues a Certificate to the insurance company. When contacting the insurance company, the Twp will obtain their assurances that the property will be completely cleaned up from the fire. Under the law and Ordinance, a check may not be presented to the property owner.

COMMENTS FROM BOARD MEMBERS/ TWP MANAGER

There were no comments from the Board members this evening.
As there was no more business to conduct or discuss the meeting adjourned.

Respectfully Submitted,

Theresa L. George
Recording Secretary