

**MINUTES
NORTH LEBANON TOWNSHIP BOARD OF SUPERVISORS
MARCH 15, 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, Theresa George, officers Duane Koons, Dave Lauver and John Leahy Twp employees, and approximately 40 other individuals.

The meeting convened at 7:00 PM and the pledge to the flag was done. Due to confusion about the advertised time for a Public Hearing scheduled for this evening, comments from the Public will begin the meeting and at 7:15 PM the scheduled Public Hearing begin. After all issues with the Public Hearing have been addressed we will pick up on the Public Comment period.

COMMENTS FROM THE PUBLIC

A.)Sandra Binner – 1660 Grace Ave - Construction of New Home

Ms Binner told the Board she would like to construct a new home at the address of 1660 Grace Ave. Upon completion of the new home she would be demolishing the old trailer home she is currently living in. Mgr Grumbine told the Board she had already spoken to Sol Wolf about this issue and he has provided a draft of an agreement for Ms Binner to review and sign. Sol Wolf asked Ms Binner about a 6-month time frame for the demolition of the trailer home. Sol Wolf asked Binner if she could provide an estimate of the cost to remove the mobile home. He then told her the Board would review the proposed agreement. Sol Wolf asked Chp Artz if he thought the Board could approve the agreement once revised to their requirements. Suv Brensinger stated he has a concern about the 6-month timeframe listed in the agreement. During previous experiences, the individual had to return to the Board to ask for extensions. He suggested listing the date of completion for Dec 2004 instead of Sept 2004.

MOTION: Was made and seconded to approve an agreement between the Twp and Ms Binner contingent upon the changes regarding the timeframe for removal of the mobile home be extended to Dec 2004. Unanimously carried.

B.)Dick Miller – 1785 Woodridge Court

Mr. Miller questioned the progress the Board might have made in the last 2 weeks in regards to restoring any benefits to the Chief of Police. Chp Artz said there are not any definite answers however the Board has been in dialogue with the Police Chief. Miller then referred to an article that he had read in the newspaper regarding a “regionalization” study for several local municipalities. He asked what information the Board could share.

Chp Artz explained this topic would be discussed later in the agenda. At this point the discussion is about a study to do evaluations and gather facts on this subject. There is not going to be any decision on whether or not to proceed with regionalization until all the study information is received and reviewed by the Board of Supervisors. This study would probably take several months and could last up to a year. What the Board would be looking to gain from the possibility of regionalization is more coverage in an affordable manner from centralized dispatching. The municipalities involved in the study would be NL Twp, N Cornwall Twp and Lebanon City. Miller asked if he is telling him that is as far as we have proceeded to this point in time. Chp Artz confirmed this to be true. Each municipality is adopting a Resolution to give DCED an approval to conduct the study.

Miller asked if the majority of the people in this room verbalize they do not want the study to be done, would it affect the Supervisors’ opinion about the study? What could you be contesting, asked Chp Artz? There is not any information to contest. Miller said his opposition is due to the fact Lebanon City Police officers work under a different contract than the NLT officers. Chp Artz stated he could not comment due to the fact he does not have any information about the City contract. Chp Artz said some of the areas that have regionalized express a comfort level with the protection they receive. Miller then said in other words the Public would not have an input on a decision. Chp Artz said there would be no decision made tonight. The only thing being discussed would be the study to have regionlization researched. Miller then said, at the appropriate time during the agenda, would the Board accept public comment on this issue. The response was, certainly.

C.)Kevin Becker – 1204 Horizon Blvd

Mr. Becker said he had a few questions regarding the issues discussed at the last meeting. He questioned the method the Supervisors use when evaluating the public comments received during the public meetings. Do you hear what is being said and then discuss it among yourselves? Do you just sit there with a “deaf ear”? What do you actually do with the comments that are made? Becker said it should be obvious the public is adamant about the resolution of the issue with Chf Wolfe and the need for expanding the Police force. Chp Artz repeated that the Board has met with Chf Wolfe and had positive dialog with him. Becker said what about the need for expansion of the force. Based on FBI statistics our force is undermanned due to the population of the Twp. According to these statistics the Twp is only at 42% of the manpower needed, according to Becker. Have you discussed anything about the lack of manpower? Chp Artz replied that all the comments are being considered but there are no definite answers to give.

Police Issues (con't)

Suv Brensinger added his thought that if the regionalization study moves forward that a lot of the questions Becker is asking will be answered. The studies that DCED would be conducting will "bring to light" a lot of the same issues. Becker asked again, how do you guys operate? In the interim from the last meeting, have you gotten together and gone over the issues of concern one by one? Chp Artz replied of course we discuss issues. There is not a reason why we would not discuss it. Becker said according to the information he receives, the issues seem to be falling on "deaf ears". Chp Artz responded he would think it depends on where Becker gets his information. Becker referred to the regionalization study as a "monkey wrench" to the wishes of the public that had attended the previous Board meeting. There were many issues that the public was adamant about, according to Becker.

Becker continued by mentioning the possibility of building expansion for the municipal building. It was reported the money had been saved for this expansion. A chipper/grinder was talked about last meeting. Ways were found to finance these items said Becker. He said he has spoken to a lot of people who have indicated to him that they agree they want more manpower for the Police Dept. Becker told the Board their job, as he sees it, is not to plan the agenda according to the Boards' preferences. It should be according to what the Twp residents are telling them they want or are concerned about. If a plan is needed to save money for more Police power, then DO IT! That is what your people are saying to you. These guys need more help.

As it was time for the scheduled Public Hearing, Mr. Becker was told he could continue after the Public Hearing has concluded.

7:15 PM PUBLIC HEARING

Sol Wolf announced that it is 7:15 PM. The Public Hearing for Henry & Sarah Smith and Hess Home Builders will now proceed. Sol Wolf explained the procedure that would be followed. The request is for a re-zoning of property located at 1998 Water Street. He would review the petition filed for the request first. The applicant, through Hess Home Builders, would discuss the use of the property should the re-zoning request be approved. The next phase would be questions or comments from the Public. The Supervisors will then be able to ask questions. The final phase would be the action taken by the Supervisors concerning the request.

Hess Home Builders, Inc has filed the petition. The property is located at 1998 Water Street, across from Winchester Circle. The owners of the property are Henry I. and Sarah M. Smith. The request for the re-zoning of 20 (+ or -) acres is to rezone from Agricultural to R-1, which is Residential Low Density. In preparation for the hearing this evening procedural requirements were met. Notice of the Ord and consideration of the re-zoning was advertised in the Lebanon Daily News (2-20-2004 edition), including the date this evening for the Hearing. The Petition filed will be made part of the record.

PUBLIC HEARING – Smith Property Water Street (con't)

A copy of the request for rezoning is filed through Lebanon County Planning Dept. LCPD is required to review the request and provide any comments they might have to the Supervisors. The Chf Zoning Officer, Julie Cheney, has provided a letter indicating the following comments:

1. The requested area for rezoning is located next to existing residential districts.
2. The area to be rezoned is within an area in the Twp identified by the Twp for public utilities expansion.
3. The proposal is consistent with the NL Twp and Leb County Comprehensive Plan.

The recommendation from County is favorable to the rezoning of this property.

The law requires the application information be provided to the Planning Commission of NL Twp for review. The Pl Comm did a review of the information during the 2-09-04 regularly scheduled meeting for the Commission. The opinions of the Commission members were 2 in favor and 2 opposed to the request with 1 member not voting, as he was absent that evening. Therefore there was no recommendation received from the NL Planning Commission. The minutes from that meeting will be made a part of the record for this hearing.

Another requirement is that of posting the proposed property. The posting informs the Public of the proposed request, hearing date, time and place of the hearing. A copy of the “notice” with a map showing the location of the postings will also be made a part of the record for these proceedings.

Sol Wolf mentioned a question that had been raised at a previous meeting in reference to an adjoining property owned by Chp Artz’s son. The question was raised about a possible conflict of interest for Mr. Artz. The law requires if there is any indication, by Mr. Artz, that he feels any conflict of interest he shall make that feeling a part of these proceedings by providing a note to the Secretary of the Supervisors. State Ethics Commission then dictates that Mr. Artz not participate in any of the proceedings. In the case of a 3-member panel and the vote being split, Mr. Artz’s duty would be to cast a vote in favor or against the request to avoid a tie decision.

Chp Artz told Sol Wolf that he has heard what he has said and would like to, at this time, exercise his right to refrain from voting on this issue due to his son owning neighboring property. In the event of a tie vote he would offer the deciding vote on this issue. A note of his decision to refrain from voting was given to the Secretary for the Supervisors.

William Swiernik – David Miller Assoc

Mr. Swiernik introduced himself to the public and stated he is an Engineer for David Miller Assoc from Lancaster, PA. His firm is representing Mr. Hess of Hess Home builders. He distributed an overall map of the area in question to the Board. He proceeded to describe the location of the property and the existing features of the property.

PUBLIC HEARING – Smith Property Water Street (con't)

Some areas of the property are being farmed but there are also fallow areas on the property. Previously a 1-acre lot had been subdivided from the property. To the South and the West there are existing residential developments. There are existing floodplain areas on the property. To the North and the East is Agricultural zoning and some more Residential areas. On-lot water and sewer currently serve the property. With the proposal connection to public water and sewer systems is planned. The request is to re-zone to R-1, which is low density residential. A conceptual drawing has been prepared to show the proposed use for the property. A subdivision plan process would have to be completed should this rezoning request be approved. The proposed lots, in accordance with the R1 requirements, would contain 15,000 square feet and there would be 34 lots. Mr. Swiernik repeated this would require a subdivision plan being processed. The lots located to the west are somewhat larger than the rest of the lots. Mr. Hess has provided some copies of the layouts that would be available.

Mr. Earl Hess – Hess Home Builders

Mr. Hess explained he is providing the Board with information about possible home layouts. Anyone that would like to see the information there are extra printouts available. Mr. Hess told the Public about the history of Hess Home Builders. In reviewing the proposed land, it made the most sense to request the R1 classification. There is existing infrastructure that had been installed as part of Phase III from Deerfield North. Also Hess Home Builders had improved the street system a few years ago. It is not the usual practice for Hess Home Builders to approach a Board about rezoning Agricultural land. A few residential property owners had been approached and there was no interest as far as a sale. There are 200+ homes built in Deerfield North by Hess Home builders on 8500 sq ft lots with 70 foot frontage. The size of the homes ranged from 1100-1600 sq ft. The proposed lots would be 15,000 sq ft lots with larger homes.

Mr. Hess told the Public he could not discuss the viability of the farmland as he is not a farmer and does not have the knowledge. Any questions about the farming practices could be directed to Henry Smith, who has farmed some of the land up until this point. At this point he turned the discussion over to Bill Swiernik.

William Swiernik – David Miller Assoc

Mr. Swiernik described all the favorable conditions that would make this request a feasible one for Hess Home Builders. The existing public infrastructure, the roadway system and the experience Hess Home Builders has had with working in this area. The need for this type of housing is justified due to the history of the Deerfield North Development. In accordance with the Twp Comprehensive Plan, the proposal would be suitable for the existing features of the area. The Ag zoning has already been impacted to previous developing in the area. Some of the soils have been unproductive for agricultural purposes. It is adjacent to compatible uses, both to the west and the south. Provisions for future extensions would be provided if the Twp deems this to be necessary.

PUBLIC HEARING – Smith Property Water Street (con't)

The Act 537 Plan for the sewer system identifies 25 units from this area to the Water St pump station. While the proposal is for 9 more units, an agreement of capacity allowance has been received from the Municipal Authority. In closing Swiernik said it would be a logical extension of what already exists in this area.

Sol Wolf said he would like to inform the public as to what procedure would be followed should this rezoning request be approved. Mr. Hess would be required to submit a Subdivision Plan to Lebanon County Planning. During this process they would have to go through all the provisions necessary for subdividing and selling off all the lots. At this time the Public is invited to question or comment on the proposal. Each individual is asked to raise their hand, state their name and address. Everyone will have the opportunity to speak at least one time.

Lance Heisey – 1951 Water Street

Mr. Heisey said his property is just north of the Smith farm. He has known Sarah and Henry approximately 30 years. Mr. Heisey said he took some time to go into the Lebanon County Planning Dept to look at the application. He said he thinks, and they may correct him if he is wrong about this, the long-term goal was to develop Deerfield North east until it connects to Grace Ave. Is this correct? Chp Artz said he was not aware of the Hess development connecting with Grace Ave. Hesiey said it had been explained to him, at the County office, this was the long-term goal.

Sol Wolf said Mr. Hess was indicating his answer was, no. Mr. Hess said he never had this discussion but perhaps the Twp might have. He said the current Deerfield North development had provided some stub street options as requested by the Twp. This is a normal request when developing a parcel of land to provide for any future planning. Heisey said a person at the Leb County Planning Dept told him this. Mgr Grumbine attempted to explain. When the single lot located along Water St, mentioned previously, had been subdivided an existing option for possible future developing was requested. She said Homestead Acres, to her knowledge, was requested to provide the same type of stub for any possible future developing. This would allow for the street structuring. Basically, his remark is true but it was sensible future planning, which County Planning agreed made sense for the future.

With no disrespect to Henry and Sarah, Mr. Heisey continued onto explain why he is not in favor of this request. Deerfield North was not wanted by some of the residents when it was first proposed but it happened anyway. The neighbors in this area are very upset by this proposal. For many years they have had their privacy. While reading the information at the County office, he noted the reference to limited “prime” agricultural lands. This is understandable. But when does this all stop? Next it will be the Artz farm and then the Fisher farmland. These are all agricultural lands. There are many issues involved in this request. He then questioned the setbacks required for connection to public utilities. At this time, are there any projections to continue this developing further north than the Smith farm? When will this stop? It is logical from Henry and Sarah’s financial stand to make this request. Mr. Heisey said he does not want this any closer to his home. He is not in favor of this request.

PUBLIC HEARING – Smith Property Water Street (con't)
Louis Reinbold – 1985 Water Street

Mr. Reinbold stated he has lived at this address 28 years and knows Henry and Sarah very well. His house is located to the east of the Smith property. His property is zoned Agricultural. His neighbor's property is probably still zoned Agricultural and the property to the north of his is Agricultural. Reinbold then said he is against this request.

Steve Couch – 82 E Brookfield Dr

Mr. Couch said he has 2 questions. His first is about the retention pond. Swiernik said this would be on the other side of the stream that is located in this area. Does that mean this development will not require a retention pond, asked Couch? Swiernik replied yes it would require a retention pond. Storm water management will be required as part of the subdivision process. What they tried to show, for this evening, was the highest yield for this property. Some of the requirements that will have to be addressed during the subdivision process will necessitate the reduction of lots or units to accommodate the storm water management area. Couch then asked if DEP was contacted about the stream in compliance with the Dam and Waterways Encroachment Act? Swiernik said at this stage DEP has not been contacted. When preparing for subdivision and developing a request for storm water discharge would need to be prepared for DEP. Couch asked if this would be made available for Public review? Swiernik responded yes of course.

Martin Barondik – New Street

Mr. Barondik asked about the "bottom" lots. Are they in a floodplain or not? Answer yes. An existing lot in Deerfield North across from the pumping station, in Barondik's opinion, would be flooded up to the first floor level if we ever experience anything like we did with Agnes in 1972. Barondik asked Earl Hess if he ever hires any subcontractors from Lebanon County. He said all he ever sees is trucks from Lititz, Manheim and Denver areas. Mr. Hess said he could appreciate this comment. Some work with Lebanon County contractors is done. However, when first approached many of the local contractors were not able to arrange their work schedules to meet the demand of work that was needed at the time it was needed to be completed. Hess said they had notified Lebanon County Builders Assoc. that they would have work available for local contractors. Barondik said he thought he had a logical question. Hess Builders was coming from Lancaster County into Lebanon County to develop; it is only natural to try to give some of the work to Lebanon County contractors.

Bob Deck – 354 Ebenezer Road

Mr. Deck said he too had been born and raised in Ebenezer. He has been the marketing director for Hess Home Builders. He is the one who sold the Brandt farm to Hess, many years ago. Deck said he is aware of some local contractors that do work for Hess Builders. His nephew, who happens to be a plumber, being one of the locals hired to work for Hess Home Builders. The public would not be aware of this fact but there are a lot of local people who DO work for Hess Builders.

PUBLIC HEARING – Smith Property Water Street (con't)

Mr. Deck then said he would like to mention something, as a realtor. One of the things you should always want to see happen is property being appreciated in value. The homes that are being discussed are up-scale homes that would help the value of all the homes that already exist. He mentioned the gorgeous property built on the hillside, located off Water Street. There are no other homes, in this area that would ever support the value of this beautiful home. The homes being discussed tonight are up-scale homes from Deerfield North homes, which will positively impact the existing homes. These homes would only be a positive effect on this area. Deck then said he is in real estate because he firmly believes it is the best investment anyone could ever make and anything, which would enhance your investment, is a good thing.

Robert Phillipy – 1394 Sholly Ave

Mr. Phillipy questioned if the developer would be contributing any money toward the Police Dept when the Police services are needed to help control the area. In his opinion, NLT Police Dept is short staffed now. We continue to build and build the demand is also increasing for Police services. Another issue is the preservation of some green areas, which are rapidly decreasing. Sol Wolf replied that if this request is approved and the homes are constructed, the property owners would be paying taxes, just like everybody else. The taxes that are paid for a developed area as opposed to an Ag area, are considerably more.

Phillipy replied it just seems it is never enough. If the developers wish to continue then let them pay for the green spaces they are taking away. Sol Wolf said the statutes bind the Supervisors. They cannot tax for Police services because the budget must include the payment for Police services. The municipal tax is one of the lowest there are and this is where the costs must be paid. Phillipy said he wanted to make sure the Supervisors were aware of this concern. If this is passed would the taxes for NLT be raised again, asked Phillipy? Sol Wolf said he does not think it is the Township's intent to increase the taxes. Phillipy repeated how would there be Police services for additional homes? Sol Wolf replied hopefully the earned income taxes and real estate taxes paid by these property owners would go into the budget for that.

Charlie Rushannon – 23 Winchester Circle

Mr. Rushannon questioned the access roads into the proposed development. Bill Swiernik replied that with Land planning the roadways are always tried to line up to form intersections. Rushannon said his other concern is the water retention. The stream that is located across the street from his house is high when there is a lot of rain. He cannot imagine feeding more run-offs into this stream. It would definitely create a problem. Swiernik tried to explain there would be regulations that would need to be followed with the development of this land. The water would need to be contained in a designed water facility. Rushannon said he would have to say he is opposed to this plan until he sees the water issues addressed.

PUBLIC HEARING – Smith Property Water Street (con't)

Sol Wolf repeated his earlier statement that if this rezoning is approved, Mr. Hess and his planners would have to go through Lebanon County Planning to submit land development plans. NLT would also be working with County Planning for review of the plans. During the meetings, both Planning Comm, Supervisors and the Public is able to attend to ask questions regarding any of the planning process.

Paul Schwab – Hunters Chase Lane

Mr. Schwab asked how the Supervisors would make a decision when their own Planning Commission was divided on the issue? Suv Brensinger explained the Planning Comm makes a “recommendation” to the Board of Supervisors. Schwab then asked, don’t you listen to the recommendation that they make? Suv Brensinger said the Planning Comm did not make a recommendation because they had a tie vote. Schwab said yes but one man was missing. Suv Brensinger said their recommendation was no recommendation at all. Schwab said but 1 man did not vote. Suv Brensinger said he was absent from the meeting. Sol Wolf tried to explain that when the Supervisors receive recommendations from the Commissions, it is considered much the same as when they receive comments form the public. They receive the information, consider it and then make a decision as a Board. Schwab said then why do we even have a Planning Commission? Sol Wolf said the major function of the Planning Commission is to review subdivision plans when submitted to the office. The plans do not leave the Planning Commission until the plans are completed and ready for the Supervisors to approve or not approve when considering the Commission’s recommendation. These planning processes are also on a “time clock”. Sol Wolf said the Commission’s recommendation is a factor the Supervisors must consider but it is not the only item that is considered when making a determination.

Lee Lebben – 80 E Brookfield Dr

Mr. Lebben said he wanted to voice his opposition to the rezoning of this property. His reasons are because it is taking away from Agricultural lands and also prime area for waterfowl habitat. The property is home year round to geese, ducks, herons and turtles to mention a few. In his opinion it would be a shame to take that away. Lebben then said that Bob Deck spoke of property value. Lebben said he thinks there are also human quality values of life.

Sol Wolf asked Bill Swiernik if there is any part of the planning process, which addresses the issue wildlife. Swiernik explained that along Water Street itself there would need to be a “buffer” at the stream. An area along the stream would need to be preserved if the area is developed. In Agricultural use the area can be farmed right down to the stream. Swiernik repeated should the area be developed a “buffer” would need to be placed along the stream. In regards to the quality of habitat, Swiernik stated they would have to honor and preserve the wetlands. The areas would have to be left in the existing condition until the new property owners would have access to any modifications they are permitted to make.

PUBLIC HEARING – Smith Property Water Street (con't)
Greg Weikel – 84 E Brookfield Dr

Mr. Weikel questioned ownership of the retention pond if this land gets developed. What he had been told by Bob Deck and Hess Home Builders, when he was thinking about purchasing his lot, was that no one would ever be building to the rear of this lot due to the existence of the wetlands. It was also repeated to him that no one could own a portion of the retention pond in North Lebanon. Is this true? Sol Wolf said one question at a time would be answered.

Earl Hess said he was a little confused about who might have told him no one could build to the rear of the lots bordering the wetlands. He continued onto say he does not think anyone from his organization would tell him that. In regards to the retention ponds that are on the lots, any retention pond that is on a lot is considered a part of that lot. In the cases where there are Homeowners Associations sometimes the responsibilities are a little different. In this case the lots that have ponds on them, the pond became a part of the lot and the property owner owns the pond. Weikel said he is not saying he was not told about the pond. He was aware of the fact when he purchased the lot. He is referring to the fact that he was told no one would ever build to the rear of his lot because of the wetlands.

Bob Deck asked if he could add a comment. At the time of the sale of the lots bordering the wetlands the potential buyers were told there could not be a home constructed to the rear of their lots due to the wetlands being there. It was not said there would never be any construction in the area simply not where the wetlands are located. To build in the wetlands is not permitted. Weikel disagreed with Deck's interpretation saying they were told there would never be a home built there. Deck agreed the wetlands are to the rear of his lot and a home could not be built in the wetlands. However the area that is being discussed tonight is across the wetlands and not connected to Weikel's property at all. Bill Swiernik stated there would be a need to create storm water management outside the floodplain. This means there would be an area where the developer will not be able to re-grade.

Weikel moved to the front of the meeting room and pointed out his property on the map that was provided by Hess Home Builders. He said the property slopes down and the water is directed into the stream. He said if you cannot re-grade the property on the other side, how are you going to address the water problem? Swiernik explained that the purpose of this presentation is to show the maximum potential for the area involved. The refining and scaling down of the permitted developing would be done during the subdivision approval process. It is only natural to come here tonight and ask for the maximum. We would not ask for the minimum and then ask to create additional lots. The subdivision process does not work in that manner. Storm water management and floodplain issues are just 2 of the issues that would need to be addressed.

Sol Wolf wanted to mention something Mgr Grumbine had relayed to him. The Lebanon County Planning regulations are what prohibit the storm water management being owned and maintained across several lots. NL Twp is under the County regulations. Weikel said he just does not understand how they think they can disturb the wetlands. It would direct the water to his property.

PUBLIC HEARING – Smith Property Water Street (con't)
Lance Heisey – 1951 Water St

Mr. Heisey said he had a question for Bob Deck in reference to fact that Deck had at one time lived on Water Street. Heisey said he would like to know why Bob had decided to build his home at that location? Heisey answered his own question saying it was to get out of town. Heisey said when Bob sold his home it was to Louis Reinbold. Heisey then asked where Deck's respect was. How would you feel if you still lived in this home?

Heisey said he would like to know if any further studies were conducted. As an example, traffic studies. The traffic has already increased 100 times since Deerfield North was constructed. The fact that the roads were recently redone does not eliminate the other traffic problems that have been created. The issue of speeding and the littering that is done are other problems. The issue of water run-off from the neighboring farms should be addressed also. The Scott Artz farm and the Fisher farm both have water run-off onto the neighboring area. Heisey asked Swiernik what they would do to prevent this problem. Swiernik said that is part of the reason this property is challenged as farmland. Heisey then said what about the R-O-W to Scott Artz's farm. Swiernik said that is one of the issues that would be resolved in the subdivision process.

Heisey said he spent a lot of time on Henry Smith's land. He hunted, trapped and fished there. Any attempt to build homes there will definitely drive off the wildlife. The wildlife will leave. This has been proven already with Deerfield North said Heisey. When Swiernik said they are trying to develop areas where the public amenities are Heisey disagreed saying the concern is not about the wildlife, it is about building homes. Heisey said he lives there because he wants his privacy. When will this end? The developing just keeps pushing its way further and further according to Heisey. Bob Deck spoke about property value. The value in his property is the fact that he has privacy said Heisey.

Jason Horn – 1940 Water St

Mr. Horn said he is totally against this rezoning. There is already flooding which his property gets during a rain. He said he does not wish to look out his door and see his neighbor's backdoor. According to the map there is a proposed house right against his driveway. During rain it is flooded. How is there going to be a house built there. Horn said the feelings of the people present tonight do not seem to matter. The only thing "these people" care about is the money.

Louis Reinbold - Water St

Mr. Reinbold referred to the remarks about the financial value of the existing properties. Reinbold said he is not thinking about money. Not everybody thinks in terms of money when they consider the value of their properties.

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PUBLIC HEARING – Smith Property Water Street (con't)
Steve Couch – 82 E Brookfield Dr

Mr. Couch spoke about the different types of wildlife he has seen in the wetland area. Also he agreed that he had been told there would not be development in this area when he purchased his lot from Bob Deck. In reference to the land not being valuable farmland, Couch said he would like to ask the Smith's how long they had farmed and lived off this land.

Sarah Smith – 1985 Water St

Ms Smith responded by saying it has been 33 years. Her husband and herself had worked jobs off the farm, in order to live on the farm. She said her husband had to work an 8-hour job so that they could continue to live on the farm. The farm never at any time supported the Smiths. Ms Smith was offended that anyone would question their livelihood where the farm land is concerned. Couch then offered his opinion that the farm is valuable merely because of the natural habitat. He then said he would like to go on record as being opposed to the rezoning request.

Martin Barondik - New St

Mr. Barondik said he wanted to ask Chp Artz about his abstaining from voting. He referred to several meetings ago when he had raised the question of Artz's conflict of interest. He told Chp Artz he is glad he had changed his mind about this.

Sol Fred Wolf

Sol Wolf said he had advised Chp Artz to follow the course of action that he has followed for tonight. He then asked the Supervisors if they had any questions or comments for Mr. Hess about the proposed plans for this property. Suv Brensinger said he had one question for Henry and Sarah Smith. His question was if there had been any other offers for this property. He then asked Deb Latier, realtor for the property, if the property has been listed as of this point? She replied, no it has not been listed. She continued onto say an exorbitant fee was not offered. The value of the property is what was offered. Suv Hawkins said she has no questions as everybody's opinion was pretty self-explanatory.

Sol Wolf concluded the Public hearing at 8:20 PM. An Ordinance was prepared before the Hearing. Ordinance No. 1-2004 is before the Board. To deny this request would mean the Ordinance was vetoed. To approve the request would mean adopting the Ordinance and the zoning classification of the property would be changed. Sol Wolf asked Chp Artz to conduct the vote but not vote himself unless a tie vote is cast.

Chp Artz gave the Supervisors one more opportunity to ask questions. There were none. He asked them to proceed with their votes. Suv Hawkins was asked to state her opinion. She said she listened to both sides of the people here tonight. She feels she must vote against this request. Suv Hawkins stated she has nothing against animals and she does not resent anyone getting a fair value for their property. Suv Brensinger stated he has also heard the public "outcry" tonight.

PUBLIC HEARING – Smith Property Water Street (con’t)

Suv Brensinger also feels that in combination with the fact that the Twp has many building opportunities already existing. There are Preliminary plans in process with the Planning Comm. These facts contribute to his decision to vote against this request. Chp Artz said there are 2 votes opposing the request so the request has been denied.

Sol Wolf thanked the Board for their votes. He told the Public anyone attending for the purpose of the Public Hearing may leave at this time or they may remain for the remainder of the regularly scheduled Supervisors meeting.

Chp Artz reconvened the regular scheduled Supervisors meeting. We will continue with Comments from the Public and Mr. Becker, if he wishes to continue his remarks.

COMMENTS FROM THE PUBLIC**Kevin Becker – 1204 Horizon Blvd**

Mr. Becker said he wished to continue his remarks about the Police Dept for NLT. Suv Hawkins asked if she might make a comment before he continues with his questions. Becker agreed.

Suv Hawkins repeated what she thought Becker’s questions had been. She said if she understands his remarks he is questioning any future plans for the Police Dept. During the last meeting the Supervisors were not at liberty to discuss the possibility of Regionalization. However at this time, the Supervisors are able to say the “Regionalization” study is part of their planning process for the Police Dept. Suv Hawkins said that “Regionalization” CAN be a good thing. These possibilities will, of course, depend on the findings of the study. Opportunity for advancement could be available and the opportunity for specialization also could exist. Should all these options fail, according to the findings of the study, a back up plan should be in place. Suv Hawkins said she has had many discussions with Chf Wolfe on these various issues. The talks are ongoing and will continue to be so. She also warned the public that nothing moves too quickly around here, as she has recently discovered. Things do not happen immediately. Talks are ongoing, and will be ongoing, until the study findings for Regionalization are completed. The study for Regionalization and continued discussions with the Chf are part of the future plans for the Police Dept. Suv Hawkins then stated that if he has any other questions or comments other than what she has just explained, the Board would like to hear them.

Becker started talking about the expansions in the Twp in regards to the developing that is in progress or in the planning stages. He said he has a problem with the timing that the Regionalization process is going to take. Becker said this is “way down the road” and with the developments that will be going in before this timeframe. The need for Police Officers is NOW. Becker said the guys are running themselves “ragged”. He said he feels really bad for them. Becker insisted the Board should take action NOW not when the study results are reviewed.

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Police Issues (con't)

Suv Hawkins said she couldn't answer that right now. Another point that Suv Hawkins said she wants to make is the reference that is made to the phrase "we are all in agreement" or "we are the Twp". She said in relation to the number of people in the meeting room, it should be noted there are over 10,000 who reside in NL Twp. When she is out in the public she is not hearing the same comments from everybody as what she is hearing in this room. Becker said he wants the Board to know he is not just speaking for himself, there are many other residents who agree with what he has been saying to the Board. He said this is an issue he feels very strongly about. When he is out in the Twp for various reasons and the discussion comes up, he is surprised by how many people who do not even know how seriously undermanned the Police Dept is. Becker said when he relays the facts and information that he has on this issue, the other people are amazed.

Apparently there have been some tiny little baby steps made with Kim Wolfe. However there is still a problem that needs to be solved RIGHT NOW not when the study results come in, stated Becker. Suv Hawkins said it is unfortunate but the Board cannot make any promises. They are trying to work some of the issues out and are doing the best that they are able to do. Sometimes that is all that can be done. Even though last year she did not have any say on Budget discussion, she was present when the Budget was done.

Becker asked the Board if they are telling the public that nothing will be done until the Regionalization results are completed. Chp Artz stated that the Board is still in positive dialog with Chf Wolfe. Chp Artz continued by saying, as far as the rest of the Police force, continual adjustments are always looked at within the current Budget. Next year's Budget, who knows what it will bring? The Board will have to wait to see what the Regionalization findings will provide for the Twp. Until that time there does not appear to be an answer to give. Becker said he wants to know what could be done prior to the study results being completed.

Sol Wolf said he would like to ask a question. Is there an estimated cost of what 1 additional Police Officer would cost the Twp? Mgr Grumbine said the estimate is to \$80 to \$90,000 per year for 1 additional Police officer. Sol Wolf explained this would include all benefits. He said it is his understanding that the current Budget adopted for 2004 did not allow for the hiring of an additional Police officer. Sol Wolf explained the Twp is 2 mils away from the max allowed. One mill is the equivalent of \$45,000. If the taxes next year were to be raised the 2 mils in order to cover the cost of an officer, it would still be next year not this year. Becker then said isn't that \$98,000 a pittance in comparison to the overall budget for the Twp? Both Suv Brensinger and Chp Artz disagreed with Becker.

Becker then said if the Board is able to plan for building expansion and other issues they should be able to plan the addition of a Police officer. DO IT, plan to add another officer in the 2005 Budget. It would probably be a good idea to hire 2 additional officers for the 2005 Budget. Have you even considered that for the future Budget, asked Becker? If you can plan for a building expansion you could certainly plan for an additional officer.

Police Issues (con't)

Suv Brensinger told Becker he should keep in mind that a building expansion, or an acquisition of some type, is more or less a once and done expenditure. Once that officer is hired, they become a part of the annual Budget. The budgeting for that officer is something that is maintained year after year. Becker said he is aware of that. However, the commitment still should be made to have this become a reality. Once it is there in the Budget, it will easier to "swallow".

Suv Brensinger then reminded Becker that in order to balance the 2004 Budget it was necessary to raise the taxes 1 mil. That was to balance the Budget, without making any type of additions such as an officer. Suv Brensinger said as an example, for next years budget if an officer would be added, the taxes are raised 2 mils to cover the expense. The Twp is at its limit for any additional revenue from taxation. Where does that leave all the other services the Twp offers? What if the cost of insurance goes up or fuel costs rise? Are you telling me we should cut there somewhere, asked Brensinger? Becker responded, yes, that would be his suggestion. Suv Brensinger replied the budget had been cut very hard this year, as Suv Hawkins could attest to, as she was in the meetings. Even after the entire cutting process, the taxes still had to be raised. He said you could cut and cut a long time and still the results are only a thousand dollars. Becker said, personally, he would prefer the other services being cut so that he could be assured of the additional police protection. To him it is the most important portion of the budget.

Becker asked the Board if the City had contacted them about the "Regionalization" issue or vice versa. Suv Brensinger said the Mayor and the Chairman of N Cornwall Twp had contacted him last year when he was still the Chairperson of the NL Board, which would have been November or December of 2003. Becker asked if he was correct in assuming their response is that they have nothing to loose with moving forward with this study. Suv Brensinger replied it is cost free to the Twp. Becker mentioned South Leb Twp's response to the suggestion. They said they were happy with where their municipality is at and chose not to join the study. Is there any particular reason that North Leb Twp decided to become a part of the study? Did you feel you really NEEDED it that you agreed to be a part of the study, asked Becker? Suv Brensinger responded with the fact that the Board keeps hearing from residents, such as him, there is a need to increase coverage in some way. Becker then said do you honestly think we, as NL Twp, could benefit from any type of merger with the City? Becker said he is sure the City Officers are being run "ragged" also. Furthermore, the City is looking to NL Twp to bail them out. What are the chances of seeing a City Police car in NLT Twp as opposed to seeing a NL Twp cruiser car in the City? Suv Brensinger agreed with Becker saying we are already bailing the City out. He said he would like to the reciprocation of services from the City. Becker then asked "Do you really think that will change if we are under one umbrella?". The need for attention in the City will still be present according to Becker.

Chp Artz agreed saying that is one of the things the study will show. How can you condemn and argue this study before you have seen any findings, asked Chp Artz. How can you argue with something that has not even been completed as of yet? Sol Wolf wondered how everybody would feel if NL Twp was involved with SL Twp and N Cornwall Twp in a regionalization plan?

Police Issues (con't)

Several members of the Public agreed this would be more of a fit and is more agreeable. Sol Wolf then said that could be what is identified in the results of the studies being done. Becker argued that SL Twp is not participating. Sol Wolf said how do you know that is not the reason they declined. If the study states that Leb City is not compatible with second-class municipalities, how do you know SL Twp would not agree to merge with NL Twp and N Cornwall? Sol Wolf said the point he is trying to make is that the Budget is set for this year. The Board cannot change that. This cost free study could provide some answers and offer some other options to address the ongoing problem.

Becker said he never mentioned that the Board should not do the study. Personally, he is not in favor the whole idea but he did not say the Board should not pursue the study. Suv Hawkins then asked Becker if he is under the assumption the study would recommend merger with the City? That is what she is hearing. That is not what she is expecting the findings to report. Someone shouted then why do the study? Suv Hawkins explained that the study would provide information about a variety of options. The answer is not always Regionalization. It may report that but then again it might report something different. The information is valuable if it offers other options for NL Twp to follow. It could contain information that we are not expecting. We have to let the study speak for itself. We have to give it a chance. Becker said the study would not show the familiarity that we, as residents, have with our own officers. He mentioned his children know the officers by name. The officers do not intimidate them at all.

Paul Schwab – 1105 Hunters Chase Lane

Mr. Schwab stated the City is in financial trouble and that is why they are looking for help. Suv Artz responded he knows nothing about the City's financial problems, if they have any. Schwab said your picture was just in the paper this week but last week you knew *nothing* about it. Schwab hypothesized about the results of the study. The reviews will probably come back all positive. Then NL Twp will pay the City to be apart of the merger. He asked how much the Police Dept budget is? Suv Artz responded it is 40% of the budget. Schwab told him that is not what he asked. How much is the budget for the Police Dept? Suv Brensinger told him it is approximately \$900,000. Once the merger is done with the City and they decide to make constant demands for more financing from NLT, there would be nothing we could do about it. While we have our own Police Dept, this cannot happen. We can control it, according to Schwab.

When the discussion became more antagonistic Suv Hawkins asked to make a comment. She said the study being completed is not an obligation to commit to anything. The Twp still has the option to agree with the suggestions made in the report or the option to disagree. Schwab told her because this Board is at odds with the Police Dept, the Police Dept does not have a chance. If the report comes back positive, the NLT Police Dept will be gone, according to Schwab. Suv Hawkins asked who is at odds with the Police Dept. When she was told they were, she replied "I'm not at odds with the Police Dept." Schwab asked, "you're telling me there are not any disagreements with the Police Dept?"

Police Issues (con't)

Suv Hawkins said she personally is not at odds with the Police Dept. Schwab asked why the Board did not announce last week about the Regionalization study? He answered his own question by saying it is because this agreement with the City had already been drawn up. Articles in the paper and pictures on the news, that's why. Yet last week you said there was no 5-year plan. You knew about this last year already said Schwab. Suv Brensinger said he had been approached last year. There were discussions a year ago, no agreements had been made Schwab was told.

Sol Wolf said these studies do not always recommend the mergers. Annville and Cleona had a study completed about 5 years ago by the same group. When the results were reviewed each municipal body decided to remain as they were and not regionalize. However there was some very good information that each municipality retained from that study. The hope that some good information will come out of this study makes the study worthwhile. The State is providing funding for these studies because it is of the opinion that the future is in Regionalizing some of the similar Police Depts.

Schwab backtracked to the issue of the tax increase. Did you say the taxes are going to go up 1 mil asked Schwab? He was told this year the taxes had been increased 1 mil. Why he asked? He was told because the Budget could not be balanced without doing so. How much did the Twp pay for the property on Narrows Dr he asked? Answer \$410,000. Schwab said he was told \$485,000. Suv Brensinger told him there again he was fed wrong information. Schwab mentioned the chipper again. What did it cost to put macadam and fencing around the facility? Suv Brensinger told him both projects were covered by Grant money. Did you get the Grants asked Schwab? He was told, yes we did get the Grants. Then how come our taxes had to go up asked Schwab? He was told we do have a mortgage for the property. He was also told we received \$210,000 in grants from DCNR and DCED. All this was done to put a park in for that lady, right there. Isn't this right asked Schwab? Suv Brensinger answered no indeed, it will be for the residents of North Lebanon Twp, sir! And once the park is there who will be maintaining the park, we will right? Suv Brensinger agreed yes we would maintain the park. But yet you say we cannot put another officer on the force said Schwab.

Beth Jordan – 1601 Colonial Circle

Ms Jordan said she wanted to comment on the meeting 2 weeks ago. She said she was really impressed with the loyalty within the Police Dept. A remark was made about leadership and she feels when there is loyalty that is a sign of leadership. Jordan said she wanted to share her opinion that the Police in NLT do a fine job. She said it was her understanding that there were benefits taken away from the Chief or something taken from his contractual benefits. She looked to the Board for confirmation of her last remark. Chp Artz told her there is disagreement about what she had just said. Sol Wolf asked Ms Jordan if she had heard what was discussed at the beginning of the meeting? She responded she had not been here for the beginning of the meeting. She arrived late. Sol Wolf told her, since that meeting there have been some discussions between the Board and the Chief. Jordan said she wanted to show her support for the Police Dept. She feels we have to all work together to make it work better for all of us. If that means adding an additional officer than that is what you do.

Police Issues (con't)

If you have to start budgeting for additional officers then you should do that also. If it means raising taxes to 2 mils, than do it. Studies can show all sorts of things. As many positive things that are discovered in the study there are just as many negative that will be mentioned. Common sense must be used. She said she is hearing there is a need for additional officers and common sense would tell you to get the additional manpower.

Dennis Bowers - 2934 Tunnel Hill Rd

Mr. Bowers told the Board the Police do a fine job for NLT. He has a dying wife and 3 kids to care for. He said he depends on the officers more than anyone would ever know. A few weeks ago there had been an issue at this house and he has Mr. Koons to thank for taking care of his family. His job takes him away from home a lot and what he is hearing disturbs him greatly. He wants to see where his tax dollars are going. It had better not be going for some stinking little park somewhere. We don't need another park. We have Lions Lake this side and have Stoevers Dam on that side. To hear that \$410,000 had gone for a park without issuing warning to anyone present here tonight or not here tonight --- IS BULL! Bowers said he does not pay his taxes for that kind of thing. He pays his taxes for the police protection and for you guys to sit up there and keep this Township as nice as it is. Taxes are also paid to keep this Twp safe. When he had been building his house several years ago his house had been "hit". The officers did everything they could to find out who had done it and they never did. But they tried! He said he appreciates the fact they stop out to see how his family is doing.

Bowers said Mr. Schwab, who is a friend of his family, he agrees with everything that he has said here tonight. He warned the Board that if he is on the road and something happens to his family he will personally show them what 12 years of service in the Marine Corps has done. He went on to say he would not tolerate it and he is one person that they do not want to ----. He went on to tell the Board if they are at home with their family one night and they have a reason to call for help from the police dept, they might have to ask themselves "will these guys be here for me?" If you make these guys mad enough maybe they won't be there when you need them. Do you ever think about that? He said he and his wife really like this area. There are good neighbors and good people. This is a great Township and he wants to see it stay this way. He repeated to the Board he would not sit here and tolerate this stuff at all! If you care about us as we care about what is going on you should listen to what is being said because we are the majority, NOT you. The room indicated their approval of everything Bowers had just said.

Mark Webbert - 801 Maple Lane

Mr. Webbert told the Board he did not know when the proper time was to bring this issue up. There is a problem with traffic congestion at the flea market held at Sunset on the weekends. When trying to exit from Maple Lane the visibility is not good. The flea market is growing, traffic is increasing and the development has gotten larger. It is the time of year when the flea markets will begin again. No Parking signs had been placed to the left but nothing to the right side. If the flea market wants to run more than just Sundays he suggested it be moved to the empty lot down at Prescott where Manheim Auto used to be. Perhaps the flea market could get a Fire Cop to direct traffic.

Police Issues (con't)

Every season the congestion gets worse. Chp Artz asked Chf Wolfe to address the sign issue. Chf Wolfe spoke to Mr. Webbert to get his information and agreed to contact him at this home. He told Mr. Webbert he would be over tomorrow to talk to him.

APPROVAL OF MINUTES

The minutes from March 1 and February 16 were provided for approval.

MOTION: Was made and seconded to approve the minutes from February 16 and March 1, 2004. Unanimously carried.

APPROVAL PAYROLL, PAYMENT OF INVOICES, FUND BALANCES

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

CHIEF OF POLICE REPORT - Kim Wolfe

A.)Calls For Service - February 2004

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

- 1. Calls for Service totaled 239
2. 44 Criminal arrests
3. 79 Traffic arrests
4. 28 Court dates
5. 49 Follow up investigations
6. 25 Warnings
7. 17 Burglar Alarms
8. 3 Assault or aggravated assault
9. 10 Domestic situations
10. 2 DUI arrests
11. 8 Drug Arrests
12. 15 Police Assists
13. 6,837 Miles logged on the cruisers

B.) Youth Field Day at Stover's Dam

Chf Wolfe told the Board he had received communication in reference to the annual Youth Field Day at Stover's Dam on August 14. A permit has been obtained from the City of Lebanon. What is being asked of NL Twp is a variance from the Ordinance of shooting of firearms on park property. Chf Wolfe is asking the Board to take action on this issue so that he could respond to the letter he had received. Chp Artz stated there have not been complaints about this event since it began several years ago. Chf Wolfe and Mgr Grumbine confirmed this to be true.

MOTION: Was made and seconded to grant a variance to the Leb County Federation of Sportsmans Club for their annual Youth Day. Unanimously carried.

C.)Hardick Property – Mt Zion Rd

Sol Wolf asked to discuss the Hardick issue while the Chief is still present. An agreement and schedule had been entered into dated Nov 19, 2001. As little clean up has been completed a hearing had been scheduled. Since the hearing had been scheduled, Mr. Hardick has taken some action to bring this matter under control. Hardick had signed a stipulation to build his new barn and to remove the old barn by June 30, 2004. The materials that are currently stored outside will then be moved inside this new building. The demolition of the old building has been started and is pretty well along. A permit for his new building has been picked up at LCPD. Sol Wolf is suggesting the Board sign the stipulation that will then be given to the court to be included as an order of court. This would give Hardick an extension until June 30th of 2004 to demolish the old building and construct the new building. If this were not completed then the order of court would inflict a penalty for each day over the deadline this is not completed. Chf Wolfe added his comment that Hardick has started but he has a long way to go for this clean up.

MOTION: Was made and seconded to authorize the Chairperson sign the stipulation for the Hardick situation and move forward with this issue. Unanimously carried.

Chp Artz explained the agenda would be deviated from somewhat. Listed under the Board's issues is a Resolution regarding the study for Police Regionalization. This issue will be discussed next.

Resolution No. 8-2004 – Non Binding Study on Police Regionalization

Chp Artz asked his fellow Supervisors to make any type of comments or questions they might have about this issue. Suv Brensinger said he based his opinions on the information he received from Dale Frye, of DCED, who presented the program to N Cornwall, Leb City Mayor and N Leb Twp representatives. He had pointed out many pros and cons on this subject. Frye also mentioned each study reflects very different results. The financial benefits could be advantageous. The amount of equipment needed would certainly be a savings. The different types of equipment would not have to be purchased by the various municipalities. Specialization and the necessary equipment would be an advantage. One unit would address areas that are currently overlapped in the municipalities and a certain amount of double coverage is experienced. Suv Brensinger said he feels there are enough obvious advantages that it would be worth moving forward with this study. After the results are received, we could move forward with the issues at that time.

Suv Hawkins stated she thinks Suv Brensinger voiced her thoughts very well. She wanted to add that she does hear what the people in the room are saying about the additional Police officer being added without waiting. Suv Brensinger said he truly believes the study will reveal the fact that there is a need for more officers, which if Regionalization is the way to go we will have more officers. Suv Hawkins said she is in total agreement with having the study completed. Chp Artz said he is in agreement with his fellow Board members about pursuing the study. The findings may show issues that were not even thought of before. Mr. Frye presented several good points to follow through with this study.

Resolution No. 8-2004 – Non Binding Study (con't)

MOTION: Was made and seconded to adopt Resolution No. 8-2004 to enter into a non-binding study for Police Regionalization. Unanimously carried.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine**A.)Orchard View Final Subdivision Plan**

The Final Plan is very similar to the Preliminary Plan, which was previously approved by the Board. The plan shows 23 single-family residential building lots with inter-related street and utility designs, storm water management facilities and associated site improvements. The Park & Rec agreement has been signed and the fees paid. All Municipal Authority issues have been met. Lebanon County Planning and the NLT Planning Commission are recommending approval of this plan.

Paul Schwab asked a question about the Park & Rec fees and what is involved. Chp Artz asked Mgr Grumbine to explain the Park & Rec fees. Mgr Grumbine explained that in this particular case there are not any contiguous lands with Twp parks so the P&R Board opted for the fees in lieu of land. This land or fees is a part of all subdivision/ land development planning. She explained there are actual restrictions as to what the fees may be used for as far as the Twp recreational areas. Chp Artz asked for confirmation that the funds must be used in the district of the Twp the subdivision or development is occurring in. Mgr Grumbine said in this case it would be used in the East or Central Districts. Schwab then asked if this is why the Narrows Drive property was purchased by the Twp. Suv Brensinger said the funds could be used for land acquisition and it MUST be used in 3 years time. If not used within the 3 years the developer receives the funds back.

MOTION: Was made and seconded to approve the Final Plan for Orchard View Subdivision Plan. Unanimously carried.

B.)Tire Collection Program - April 7

Correspondence from Phil Hall has been received informing us that they will again be conducting a tire collection program at the Expo Center and Fairgrounds on Wednesday, April 7 from 8 AM to 6 PM. A total of 12 auto tires or 2 oversized tires free of charge until funding is exhausted. A fee of \$2 per auto tire or \$15 per oversized tire will be charged if funding is exhausted or if a person is over their limit. Tires dropped off may not be burnt, waterlogged or excessively dirty. A pledge of \$1300, through the Recycling funds will be forwarded from NL Twp. This amount will fund 1435 tires or a minimum of 120 Twp participants with the matching funds grant. It is important to note this program was initiated to help reduce the risk of West Nile Virus, lessen mosquito nuisance and has removed thousands of eyesores from our Twp since the inauguration in 2000.

C.) Zoning Amendment Request Petition from Jere/Joan Putt – 1505 Jay St

The Twp has received a Zoning Amendment request from Jere/Joan Putt of 1505 Jay St. The petition is requesting a change of zoning from an Ag district to an R-1 zone, which is low density residential and would allow residential development of the tract. Posting of the property and a Public Hearing will need to be completed by the Twp. Mgr Grumbine will notify the Twp Planning Commission and Lebanon County Planning in order for them to review the petition and make recommendations to the Board before the Public Hearing. Mgr Grumbine has suggested May 17th as the Solicitor will be present to conduct the hearing.

Sol Wolf has indicated that May 17th is a good date for him. Martin Barondik questioned where this address is located. He was told it is the property on Jay St that is a hog farm. The Supervisors all agreed May 17th was a good date for the Public Hearing. Mgr Grumbine said the office would take care of notifying the petitioner and accomplishing all the requirements prior to the Hearing. The Planning Commission will have this issue on their April agenda. Mgr Grumbine consulted Brian Hockley, Engineer for this request to see if this allows enough time to prepare for the April Planning Commission. He confirmed this date to be good for him.

D.)Uniform Construction Code Administration & Enforcement

Mgr Grumbine started a discussion about the Uniform Construction Code regulations. As one of the requirements of Act 45 (1999) each municipality must decide whether to administer and enforce the UCC during a 90-day election period established in the UCC regulation. That period will run from April 9 through July 8, 2004. Any municipality that wishes to enforce the UCC must pass an Ordinance adopting the UCC regulation and the Ordinance must take effect during this 90-day timeframe. Notification of the decision must be made to the department during that timeframe also.

Lebanon County Planning Department has acted as the Twp's enforcement agency since 1994. Since the passing of Act 45 in 1999, Mgr Grumbine has made continual contacts with Leb Co Planning Dept regarding the department's intentions on providing services to County municipalities. Originally the Twp had looked at continuing with the residential inspection through the County and contracting with Labor & Industry for commercial/industrial construction. When referencing the website for L&I, Mgr Grumbine has found that they are now concerned about the workload they might have due to opt-out as opposed to opt-in municipalities. The L&I Dept at this time cannot guarantee their ability to contract for this work. Upon reading this information Mgr Grumbine contacted Bill Kurtz of LCPD. He has indicated the County is going to hire an independent third-party inspector, which would be appointed by LCPD. At the same time, this third-party inspector would be training someone in-house to eventually take over the responsibility of inspecting commercial/industrial construction.

After completing the review of information, Mgr Grumbine is suggesting the Board consider adopting an Ordinance to opt-in with the UCC and appoint LCPD to provide review and inspections for both residential and commercial construction. A Public Hearing is required to receive input from the Public. Mgr Grumbine would like the Board to approve Sol Wolf preparing the Ordinance and the required advertisement.

Uniform Construction Code Administration & Enforcement (con't)

After receiving input from the Public, the Board should then make a decision to opt-in or opt-out for the UCC and appointment of LCPD to provide review and inspections necessary for both residential and commercial construction in NLT. At this point, Mgr Grumbine is looking to the Board for a direction to proceed with this issue.

Suv Hawkins questioned the fees involved. If the Twp decides to opt-in with County Planning do we get charged a fee for each inspection conducted? Suv Brensinger explained County would charge a permit fee for the applicants. Mgr Grumbine said it would operate the same way it does now when people apply for building permits. Suv Hawkins said so if we would opt-out the Twp would have to pay somebody to do the inspections. Mgr Grumbine agreed this is true. Suv Brensinger said he would think, that at this point in time, you would have a hard time finding an outside agency that would agree to do this program. Lebanon County Planning provides Lebanon County with many of these services and we are fortunate to have County Planning.

Martin Barondik asked if his understanding of this issue is the new uniform building code. He was told yes it is. Barondik then said he does not like the idea of anyone having the right to come into his house, which he owns, and telling him what he may or may not do with his property. Suv Brensinger asked if he knows for a fact that the new Code contains this requirement? Barondik said this is what he has been told. He said the really necessary items like wiring and heating, are covered by insurance issues. The inside of a man's house should be his own business, according to Barondik.

Melinda Rose Leed – Mt ville Drive

Ms Leed shared her opinion on this subject. She said she had bought a house from a person who had done a lot of self-home repairs. He too thought his home was his castle and had done many things the way he wanted to do them. When a buyer purchases a home that was not inspected as the repairs were completed, they are buying whatever the other individual has created. There are some safety issues that come into play here.

Martin Barondik said he has to disagree with some of what Ms Leed just said. When a buyer decides to purchase a home it is their responsibility to inspect the property. Ms Leed agreed that is true but there are areas that could not be inspected such as behind the drywall, under the floors and above the ceilings. The reason for State Codes is for the common good. Barondik said he sees this as "government intrusion".

Don Sheg – 1212 Horizon Blvd

Mr. Sheg said he works within the building trade as a supplier. He said these new codes actually have the builders going nuts. Sheg stated that the remodeling is not under this code. This new code addresses new builds or changes in wiring etc. It is his understanding that the new codes identify anything that involves structural changes.

Uniform Construction Code Administration & Enforcement (con't)
Paul Schwab – Hunters Chase Lane

Schwab asked for clarification on the new codes. Does it mean anything on the outside will need to have permits lifted and anything done on the inside would not have to have a permit? Suv Brensinger told him that is a question County Planning would have to answer because he is not sure about that.

Sol Wolf tried to explain that the Twp is mandated by the State to adopt these new regulations created by the State. If the Twp has any Ordinances that are “tougher” than the new regulations we may enforce them also. However, we must enforce at a minimum the State requirements.

MOTION: Was made and seconded to have Sol Wolf prepare an Ordinance and complete required advertisement for a Public Hearing for the Uniform Construction Code. Unanimously carried.

E.) Meeting with County Commissioners

The Board has received an invitation to attend a Municipal Government Officials Workshop being held Wednesday, March 31 from 6:30 PM to 9:00 PM. This will be held at the recreation room at Cedar Haven. There is not a charge however a registration is required by March 26, 2004.

SOLICITORS REPORT - Frederick Wolf

A.) Boundary Line with Bethel Twp

Sol Wolf told the Board that this issue is now with Gary Matthews’ office to finish the survey. In speaking to Matthews, Sol Wolf said he had indicated it would be completed this month (March). Suv Artz asked if the monuments are included. Sol Wolf replied yes it includes the monuments that had been discussed. Brian Hockley questioned if the zoning map has been amended to include this change. Sol Wolf told Hockley all parties have signed the plan itself but it would not be official until the surveying is completed and presented to the Judge to sign into court order. Once the court order is signed into effect and the assessment office receives the information there will be some minor changes in the zoning maps. Nothing will happen until the survey is completed and received back to present to the court. Hockley asked if there is a projection on time for this to be completed. He said he has a client that has been waiting for over a year on this matter to be completed. Going on the assumption the survey is completed this month, a week after presenting to the Judge it should be finished. His guess would be late April. This of course is hinged on the surveying being completed. Once recorded, the information will be given to the Assessment office and the public will have access to the information.

B.)Property Clean Up

1. John Oates / Jay Street - Sol Wolf said hearing date is scheduled for this month. He and Bonnie Grumbine will be attending the hearing. Another notice had been sent to Oates about the clean up of the property. Mgr Grumbine and Bonnie had been out to review the property today.
2. Bay Nguyen – 1715 Jay Street - Sol Wolf said Bonnie had prepared a report for the Board about this property. The trash containers are placed outside without any lid covering the containers. During windy weather the trash is lifted out of the containers and carried all along Jay St. Neighbors have complained about this issue many times. At this point in time Bonnie has issued letters to the owner and has done all she is able to do for this issue. The letter to the owner indicated all the Twp is asking for is a secure area for the trash to be kept. Sol Wolf explained he and Bonnie are looking for authorization from the Board to proceed with giving a final notice. If it is not corrected after this he would come back to the Board for authorization to take action through the DJ or through the courts. The difference between going to DJ and the courts is that the individual gets fined for the condition of the property. It does not resolve the problem. Going through the courts means there will be enforcement as far as getting and maintaining proper storage for the trash.

Mgr Grumbine provided pictures of the property and the trash containers. Suv Hawkins remarked that the pictures effectively show the problem. Chp Artz remarked on the lack of Recycling containers. He then asked his fellow Board members how they wish to proceed with this issue.

MOTION: Was made and seconded to authorize Sol Wolf to move forward with this trash issue, by whatever means necessary for completion for 1715 Jay St. Unanimously carried.

C.)Tom Stewart Request – Water Lateral Easement

Sol Wolf stated the Board had approved the R-O-W for Mr. Stewart. Sol Wolf has now prepared a proposed permit Right-of-Way agreement and provided to the Board to review. Mgr Grumbine has a map for the Board to review. The width of the R-O-W must be decided. Suv Brensinger told him it was decided to grant a 20-foot width. The agreement outlines all the requirements Mr. Stewart would be agreeing to. One of the issues covered in the agreement is the possibility of a sale of the property. Also a restriction on any other utilities being placed in this R-O-W is addressed. Chp Artz asked if Stewart was aware he is responsible for all the costs associated with this agreement. Mgr Grumbine said he was informed of this the very 1st meeting that was had on this issue. Sol Wolf asked the Board to review the information and then he and Mgr Grumbine would be meeting with Mr. Stewart to discuss the final form of this agreement. Any changes or revisions the Board would like to be included should be mentioned to Mgr Grumbine. After all signatures are in place the agreement would be recorded.

D.) Spruce Park – Real Estate Transfer Tax

An additional \$8,000 had been assessed for payment by the former owner, not the current owner. One half is for the Twp and the other is for the School District. Sol Wolf had been informed there were funds placed in escrow to pay this amount. The title company, which handled the transfer to the current owner, stated they would not release the funds until the attorney for the seller authorizes this action. Everybody involved with this issue has been sent a notice that we would pursue this issue by all means allowable by law for collection of the \$8,000. Sol Wolf stated he had been contacted by the attorney of the prior Spruce Park owner asking for a copy of the State's re-determination, which Sol Wolf provided. To date nothing more has been heard from this attorney. Sol Wolf said he would contact this attorney to see what the hold up is. Tim Sheffy, attorney for Cornwall–Leb School District, had left a message for Sol Wolf about this issue. At this point Sol Wolf is suggesting the School Board and the Board of Supervisors get together and decide on how to move forward to the next step for collection.

COMMENTS FROM BOARD MEMBERS/ TWP MANAGER**A.) Recycling Grant – Suv Brensinger**

Suv Brensinger announced last Monday DEP did a News Release on who had received the Grants that had been applied for. NL Twp received confirmation that all funds that had been applied for will be received by the Twp. The grinder and the compost turner will be paid from this grant along with some legal and advertising fees involved with the equipment. The NT Newsletter is 90% covered under this grant. The Fall Spring Clean Up leaf flyers are also paid for by this grant. The Twp's Recycling representative will be sent to the annual Prop Conference under this grant. One item that had been denied was lawn & leaf bags.

Suv Brensinger explained that Amy, of the GLRA, had told them that all the tipping fees collected here in Lebanon County, had stayed right here in Leb Co. Everyone in the County that applied was successful in being awarded their grants. The next round of grants is open for applications at this time. He said he is unsure if the Twp would be applying for any equipment this round. Martin Barondik questioned the amount of the grinder. He was told in the ballpark of \$185,000 and 90% of it had been covered by the grant funds.

B.) GLRA Meeting w / Residents – Modification Permit

Suv Brensinger attended a meeting hosted by the Landfill. The surrounding neighbors of the immediate Landfill were invited to review and comment on the Permit of Modification that had been applied for at DEP. The Supervisors of NLT had been invited to hear, first hand, the comments/concerns that were made by the Landfill's neighbors. A full report would be presented to the Board, during the meeting with DEP representatives, which will be held here at the Twp building March 30th @ 10:00 AM. Although the meeting with the neighbors was not a requirement, the Landfill decided to hold it as a gesture of being a "good neighbor". The most common concern was the odor, the truck traffic and the farmland being affected by blowing debris.

GLRA Meeting w / Residents – Modification Permit (con't)

DEP explained during this meeting, the only thing they are concerned about is any harmful affects the NEW permit parameters would cause. They are not interested in any existing problems. Suv Brensinger said he was a little concerned about this response. Yes, traffic is an existing problem however the problems will only be increasing. After the meeting with DEP, the Twp, the neighbors and anyone else will have 60 days to make any comments to DEP about this modification permit application. Suv Hawkins asked for clarification on her understanding of what he is saying. DEP does not consider any of the concerns mentioned at the meeting to be harmful because they already exist. Is this correct? Suv Brensinger agreed this is what the public had been told by DEP. Martin Barondik told the Board he feels the Landfill does everything in their power to control and maintain the area. He said they seem to be running a well-kept operation. Suv Brensinger indicated his agreement. When the conversation turned to the quarterly intake amounts being accepted from out-of-town trash, Suv Brensinger said the answer was that DEP does not control that issue. The Authority controls those issues and the Authority is made up of representatives from every part of the County. The only time deviation from this regulation was considered was during the 911 tragedy.

A discussion was started about the Twp roads that would be affected by all the truck traffic from increased use of the Landfill. The Twp now receives the Host Municipality Fee, which is supposed to compensate for Russell Rd. Suv Brensinger said this is not something the Twp should rely on. When the time comes that the Landfill is no longer operating from within the Twp we would no longer be receiving that fee.

Melinda Rose Leed – Mt Ville Rd

Ms Leed said, from her residence, she often hears the equipment at the Landfill. Her concern is that she has a sticker from the GLRA on her truck. On the occasion that she needs to visit the Landfill she often sees trucks from Harrisburg or other locations, which she happens to know, are projects being done from areas other than Lebanon County. She thinks there is a lot of fill being dumped that is not from our County. She asked the Board if there is some way to address these situations. Suv Brensinger said he knows for sure whoever is doing this, had better not let the Landfill find out about it. Ms Leed then said if there are some she is definitely aware of, how many more are there. Suv Brensinger said there is another side to the story. As a contractor, working in a certain County, you are required to take the trash to the local Landfill, where the project is being done. Suv Hawkins said she thinks all it would take is 1 or 2 to get caught and have the rules/penalties enforced. Everyone else would get the message that there are consequences for violating the regulations.

Martin Barondik – New Street

Barondik said he had questions about the Police Regionalization subject. The study will take many months. Some would vote for and some would vote against the issue. If the study reflects this is a good avenue for the Twp to pursue, is there anything legally which states this questions could not be placed on a referendum? This is going to be a really hot issue. The Board is going to take a lot of heat on this topic.

Police Regionalization Discussion (con't)

Sol Wolf said he does not think this can be a referendum issue but the Voter's registration office could be contacted to find out. Barondik said this is such a hot issue, he would think the Board would want to know what the *true majority* of the Township is thinking. He said he is not talking about the people who show up at the meetings. The Board is going to take a lot of flak on the subject and he would think that they would like to know what the people of the Twp are really thinking. There has to be a viable method to find out what the "pulse of the Twp is" said Barondik. If this was put out for a vote and the residents have their say, the residents could not come back to the township to complain.

Suv Artz said when the Board had first been contacted, Chf Wolfe indicated his support of the idea. Suv Brensinger clarified Artz's remark by saying Chf Wolfe voiced his support of doing the study for Regionalization. The discussion returned to the amount of time NL Police Dept is providing assistance to the City of Lebanon.

Mgr Cheri Grumbine – Spring Clean UP Schedule

Mgr Grumbine said she wanted to announce the schedule for Spring Clean up is Monday, April 19 through Friday, April 23. The newsletter, which will be distributed in 2 weeks, will have more details.

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