

**MINUTES
NORTH LEBANON TOWNSHIP BOARD OF SUPERVISORS
MAY 17, 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, Twp employee, and many other individuals.

The meeting convened at 7:00 PM and the pledge to the flag was done. Chp Artz explained a Public Hearing is scheduled for 7:15 PM. We will begin the Public Comment period but will stop at 7:15 to conduct the Public Hearing after which the Public Comment time will resume.

COMMENTS FROM THE PUBLIC

A.)Martin Barondik – New St

Mr. Barondik told the Supervisors he had noticed 2 tractor-trailers of “wood shavings” at the Lions Lake Park. He started a conversation with the driver and asked what the wood shavings were going to be used for. He replied it is playground mulch. Barondik then asked the driver how much a delivery such as this one costs. He told Barondik it costs \$1200 a load. Barondik then said that means the Twp just paid \$2400 for playground mulch. He said he would like to know, what in the world is the Twp doing paying \$2400 for playground mulch when we have mulch sitting at the Twp building for free. Sup Brensinger told Barondik the playground mulch is certified mulch required by the Twp’s insurance carrier. It is specially certified because it does not have any green waste in the contents, such as the Twp mulch does. This will prevent the children from getting any type of poison.

Barondik was incredulous that the Twp would pay out \$2400 for playground mulch because of fear of a lawsuit from kids getting poison. Barondik then asked Sol Wolf if he receives a retainer for this type of service. Sol Wolf responded that the Twp Insurance carrier provides an attorney. Barondik then said 30 years ago Frank Strack refused ownership of the Lions Lake Park for liability reasons and now here we are 30 years later talking about liability insurance. Why would the Twp even take on the responsibility of Lions Lake Park when these parks cost so much to maintain? Suv Brensinger told Barondik that it was a large group of his neighbors that campaigned to keep the park in existence. A lot of Ebenezer residents lobbied to keep the park from being abandoned. Barondik said he was NOT one of them. Suv Brensinger said he is thankful they did because he feels this is a valuable asset to the Twp. Barondik disagreed with Brensinger saying as far as he is concerned the whole lake could have been overgrown with weeds.

Martin Barondik (con't)

Barondik said the answer to a request for more Police protection was, "not enough money" and now we are putting all this money into the parks. Another thing is all the vandalism we are now experiencing in the park.

B.)Glen Kreiser – 628 E Weidman St

Mr. Kreiser asked if the Twp's liability insurance would not cover anything that would occur from using the regular mulch? A premium is being paid for liability insurance to cover all Twp issues.

C.) Paul Schwab – Hunters Chase Lane

Mr. Schwab asked if the Supervisors were aware of the vandalism at the Lions Lake Park over the weekend. Suv Brensinger told Schwab that the Board is aware of this information. There were some benches broken and then you want to sit there and tell us you want to build another park down on Narrows Dr. You want to use more taxpayers' dollars to maintain another park. Schwab said he agrees the Twp should not have to buy special mulch for the park when we could use the free mulch. He also agrees that is why the Twp pays a liability premium. He then told the Supervisors he was under the impression they were voted into office to take care of the taxpayer's money. Not throw it away. Schwab then asked if the grant money has been received for the grinder. Mgr Grumbine replied we have received the contract but not the funds as of yet.

D.) Bill McMichael – Kimmerlings Rd

Mr. McMichael told the Board they were referred to the Supervisors, by the Municipal Authority, in reference to the water project connections. McMichael reviewed the connection fees involved with the water project, which is currently under way in the East District. He told the Supervisors everybody agrees that the people should not be FORCED to connect to public water if they do not want to. The developers should be forced to do this, not the other people, according to McMichael. This is not an expense the homeowners should have to bear. McMichael said what the homeowners want is a peaceful option. The ability to connect if and they so desire. If the wells fail the people then have the option to connect. They were told that the Authority does not make the rules. The Supervisors make the rules.

Sol Wolf asked to speak. He explained that when Mr. McMichael had attended the Authority meeting he had raised this question. He was given the answer that the Twp had adopted the mandatory connection ordinance in accordance with an agreement, which included the Twp, the City of Leb and the Municipal Authority. In the early stages of the discussions, both the Twp and the Authority agreed that optional connection would be considered. The City of Lebanon then said, no, everybody must connect if the line is available to connect to. The City of Lebanon will be taking over and maintaining the line after completion of this project. The Supervisors pursuant to an agreement with the City of Lebanon adopted the mandatory connection. The Authority had told Mr. McMichael that the exception he is looking for would have to come from the Supervisors, as they are the ones that adopted the mandatory connection Ordinance.

Bill McMichael (con't)

McMichael said they had their water tested after being told the water quality is so bad. When they received the results from the testing the water proved to be perfect, according to McMichael. The City water failed their test according to McMichael. He told the Board he feels it is terrible that they have to pay for water that is not as good as what they currently have and are using. Chp Artz told McMichael that as long as he has sat on the Board there have been continuous requests for public water. The timing of this particular project was good due to the interest rates. The rates were the lowest that they have been for a long time. Some discussion followed which had been discussed many times in past months. McMichael asked why the people are urged to come to these meetings if the Board members are not even going to listen to what is being said. Suv Hawkins asked McMichael if he is asking for a change in the mandatory connection Ordinance? McMichael said if that is the way it is to be done, then yes.

Suv Hawkins said to her fellow Board members that she is hearing that they do not wish to reopen the connection Ordinance. Chp Artz explained if they would try to do that where would the funding come from for the project since the City has insisted on all connections being made. Suv Hawkins said the new developing should pay for the water. As it is time for the Zoning Public Hearing to begin, Suv Hawkins suggested this subject be discussed after the Hearing.

Chp Artz closed the regular Twp meeting and turned the proceedings over to Sol Fred Wolf in order to conduct the Public Hearing.

Public Hearing Began @ 7:20 PM

Sol Wolf told the public this is a petition for re-zoning from Jere & Joan Putt of 1505 Jay Street. The 70.283 acres is currently zoned Agricultural to R-1 Low Density Residential. Sol Wolf reviewed some of the requirements necessary for this zoning request. It is required that a notice be placed in the newspaper to advertise the Public Hearing and to announce the draft of the Ordinance be posted in the Twp building for inspection. A copy of the map showing the land in question is included for review. Another requirement is the posting of the property by the Twp. Notices had been sent to surrounding property owners as part of this process. The information must be provided to Leb County Planning and the NLT Planning Commission in order to review and submit recommendations to the Board of Supervisors before the Public Hearing.

The NLT Planning Commission has reviewed this issue and recommended to the Supervisors that he request for re-zoning be denied. A letter issued by Julie Cheney of Leb County Planning Dept, dated May 10, 2004, indicates that they have reviewed this request for re-zoning and have found (1) the proposed re-zoning will expand the existing residential district, (2) public utility expansion is available for this tract of land and (3) given the close proximity of the elementary school it is appropriate to expand to maximize the facilities. Also mentioned in the letter is (4) the willingness of the petitioner to work with the LCPD and Twp in regards to issues typically associated with development in residential situations such as traffic concerns, density, safety conditions and minimizing the impact of the proposed development in the surrounding area.

Public Hearing – Putt Rezoning (con’t)

This proposal is also in compliance with both the Twp & Leb County Comprehensive Plans. Lebanon County Planning indicates it is in favor of this proposed re-zoning.

Sol Wolf then explained the procedures, which will be followed for this meeting. Mr./Mrs. Putt and or their representative will make a presentation to the public explaining current uses of the property and what the intentions are as far as use should the rezoning be permitted. After the presentation, the floor will be opened to anyone that has a question or comment. Sol Wolf stated the discussion would begin in the front row and proceed round one-by-one to the back of the room. Anyone wishing to speak will raise their hand, be recognized and state their name and address and their question or comment. Sol Wolf requested that everyone please refrain from repetition of questions and comments that have already been made. He also asked the speakers to indicate if they are in favor or opposed.

Brian Hockley – Surveyor & Engineer

Mr. Hockley started the discussions with a general overview of the land and its current uses. Jerre & Joan Putt own and operate a pig farm located just off Jay St. It is east of the Deerfield North development and south of the Homestead Acres development. Putt is proposing to subdivide his lands, according to current Ordinances, into 15,000 square feet lots. A concern was expressed about the density of the area and the Putts have proposed to up the square footage per lot to 20, 000. This would knock down the density by about 30% for this area. There will be 2 access points utilized, one onto Jay St and the other connecting to Deerfield North development. The planning for this access point was done previously when the planning for Deerfield North had been approved. A third “stub street” could be planned that would connect to the R-2 district located northeast of the Putt property.

Concerns about sight distances have been expressed about the existing driveway onto Jay St. The distances have been reviewed and verified for acceptance within the PADOT regulations. From Jay St going east, there is well over 500 foot for sight distance. Going to the west there is 400 foot for site distance. A distance of 239 feet is needed at the slope of the road, per PADOT regulations. With the re-zoning, it will create a natural transition from Agricultural to Residential. Hockley indicated on a colored map all the areas shaded in purple are existing residential (R-1) areas. The Putt property is located all around the indicated purple residential areas. The Elementary School can be viewed from the Putt property, which is the reference the County had made to utilizing the school system.

Hockley said at this time he would allow Mr. Putt to speak. Putt stated he would rather hear the comments from the public first. Then he could respond to any remarks or questions made. He indicated he is unsure how much information the public has about his property.

Martin Barondik – New St

Barondik mentioned a few weeks ago Henry Smith was here asking to do the same thing and the Supervisors denied his request. He said why should this go any further because the Supervisors denied Smith, Barondik feels they should also deny this request. So why bother with this hearing? An exchange of differing ideas followed and Sol Wolf suggested that we not comment back and forth but stick to comments about this particular request.

Public Hearing – Putt Rezoning (con't)

Sol Wolf asked if Mr. Putt feels his situation is different because there have been complaints in the past about his farming operation? Putt indicated this is his opinion. Sol Wolf again repeated the procedure to go row-by-row across the front and proceed to the rear for all comments to be heard.

Melissa Shaver - 56 E Brookfield Dr

Melissa told the Board she has a petition to present to the Board from herself and many of her neighbors. The petition is in opposition of this re-zoning. Sol Wolf explained this would become part of the permanent record for this public hearing. Mr. Putt asked if he could hear the reasons listed in the petition. Sol Wolf offered to read the petition. The reasons listed are as follows: 1.)Already land in close proximity that is zoned residential and should be utilized 2.)the increase in population will tax an already overburdened school system and other Twp related resources 3.)development will cause increased air, noise and pollution 4.)development would detract from the aesthetic quality of the existing homes 5.)negative impact on the nearby wetland areas 6.)add to already excessive traffic problems 7.)loss of area for existing wildlife. The petition is signed by many of the neighbors.

Mr. Hockley said he does not know how a development would detract from the aesthetic value of other properties. The public has already admitted there is an existing traffic problem. Mr. Putt has agreed to have a traffic study completed and then pay his share of anything needed to correct any traffic problems. Sol Wolf cautioned the public to try to follow the procedure outlined instead of shouting out comments.

Sarah Smith – 1985 Water St

Mrs. Smith offered her comment on the petition presented by Melissa. She told her that before Deerfield North was approved for construction, the Smith property enjoyed many, many different types of wildlife. The construction of Deerfield North destroyed many of her pleasures. She does not feel sorry for the people here tonight complaining about the loss of wildlife pleasures when she has lost the same thing in order to accomplish their living facilities. When Mrs. Smith mentioned the complaints to the Supervisors about the odors from the Putt farm the public very loudly protested they were not involved with these complaints. She feels the people here tonight did not care what went on before they achieved their homes but now wish to prevent anyone else from using their properties as they might choose to do. Mrs. Smith then said there is NO wetland in this area just a small creek. Mrs. Smith stated she is in favor of this re-zoning and hopes to see it happen.

Karl Jarboe – 416 Maple St, Lebanon City

Mr. Jarboe started his comments by saying he owns property in NL Twp and therefore pays taxes to the Twp. He said he has a few questions for Mr. Putt. Is he here as an individual or a corporation? An individual was Putt's answer. Jarboe said he has information that says if this is approved there would be paving done over wetlands. True or false? Answer, false. Putt said there are no wetlands located on the Putt property. Jarboe questioned if he even knows what a wetland area is? Brian Hockley said he does indeed know.

Public Hearing – Putt Rezoning (con't)

There are 3 criteria to define a wetland area: 1.) Vegetation is present 2.) Contains hydric soils 3.) Being a wet area. Jarboe then asked if Federal statutes do not protect wetlands? Hockley confirmed this is true. He continued onto say he has not witnessed any areas that would be defined as wetlands. If it were to happen that there are wetlands, the developing would have to be constructed around the wetlands.

Jarboe then asked if Deerfield North is the development off Water St and built on lands previously owned by WLBR. Suv Brensinger said, no, that is not where Deerfield North is located. The complex Jarboe is speaking about is Deer Lake Apartments. Jarboe then questioned where exactly is Deerfield North located. Suv Brensinger explained it is north of the apartment complex and due east of Heisey's Diner. Jarboe questioned the access onto Jay St. What kind of traffic increase would this access produce for Jay St? Brian Hockley said he has no idea. That is what the traffic study would determine. Jarboe said that he had received information from a NLT resident that Jay St is used primarily as a farm road. Is this correct or not? Hockley said it might have been. He is not sure but he then asked what does that really matter? If the proper access and sight distances can be had this should not hold back this proposal.

Jarboe referred to the conversation about public water prior to the Public Hearing being started. He asked if this development would be connected to the City's public water system? Hockley confirmed yes it would be connected. Jarboe asked if this would require a lot of construction to accomplish this connection? Hockley replied no it would not. Indicating on the map displayed, the water would be connected from the Deerfield North area. Jarboe then asked about the sewer lines. Is this sewer line also owned by Lebanon City? Brian Hockley responded, no, it is owned by NL Twp Municipal Authority. Suv Brensinger explained that we own the system but it is conveyed to the City Treatment Plant. Jarboe then questioned if this large development would overtax the City's system. Hockley stated that capacity was already checked in to and it was indicated there is ample capacity. Jarboe then stated he is opposed to this re-zoning request. He feels it would destroy the rural atmosphere of NL Twp, which he enjoys.

Susan Hassenbein - 66 E Brookfield Dr

John and Susan oppose the re-zoning for all the reasons listed in the petition read earlier in the hearing.

Cathy Mease – 54 E Brookfield Dr

Ms Mease is of the opinion that the old Ebenezer School was not condemned due to the fact that there is now a private school in existence. It is her opinion that the need for a larger school is what prompted the new school being constructed. She does not see this proposed development as a good thing for the school district. She said more population would burden the Elementary School and that is not even considering the Middle School and the High School. Jere Putt asked Mease where she lives. She replied Deerfield North. Putt said so she lives in a new home. Mease responded the zoning was already in place for residential so she does not feel bad for building a new home there.

Public Hearing – Putt Rezoning (con’t)

Putt told them the land was zoned Agricultural before it was rezoned to Residential. Mease agreed saying exactly. All areas were and now all the Ag lands are being rezoned.

Mease continued onto say the Brookfield residents were told there would never be any homes built near their properties. Mease told Putt once he sells the rights to a developer; anything that is done with the lots is now out of his control. The developer will do whatever he likes with the lots. Hockley disagreed with this remark. He reminded her that a deed restriction would be placed on the subdivision plan. Mease said, yes you say that now but after you receive approval who is to say this restriction will be done? Hockley tried to explain this is noted on the subdivision plan as the rezoning would be contingent upon this restriction being on the plan.

Mrs. Sarah Smith objected to the comment that the developer promised no future building near the Brookfield Dr area. She said there is no way this could have been said with any degree of truth. That developer does not even own the land. How could that promise be made?

Gregory Beard – 48 E Brookfield Dr

Mr. Beard asked Brian Hockley if he is an environmental engineer or a lawyer? Brian Hockley responded that he is neither. He is a surveyor. Also his Engineer is present here tonight. Beard than asked if there have been any environmental impact studies done on this property? Hockley explained that at this time it is not required. The first step is to rezone. All the studies would then be completed in the planning process. Beard then asked if the traffic study should come back unfavorable, would that then kill this project? Putt replied, no. He would then have to accomplish whatever is outlined for improvements. Beard said he has concerns about this “new” road, which will be very convenient for the motorists who are in a hurry to reach Jay St. He reported the cars already “fly” around Water St and Rte 72. His largest concern is the “stub” road that would be located near his home. He has a 5-year old son to worry about.

Mr. Beard asked Putt if he has a developer selected already. Putt replied, yes. Beard then asked who that would be and Putt replied he would not and does not have to tell him that information. He then said Hess Home Builders promised the Brookfield Dr people there would not be developing there. Putt repeated, no that is not true. Hockley stated that the public has already admitted there is a traffic problem. Mr. Putt has committed to providing his share of the cost to make improvements to the existing problem. Beard asked what are some of the things the traffic study would suggest. Hockley stated it could recommend a traffic light or a specific speed limit to mention a few.

Beard asked about the benefits to the Twp. Hockley mentioned the removal of the pig odors. How else would this development benefit the Twp? Putt replied more property tax dollars. Beard stated he is opposed to the request for rezoning due to all the issues that have been discussed and all the reasons listed in the petition.

Public Hearing (con't)**Dave Simpson – 1503 Jay St**

Mr. Simpson stated his property is located right next to the access for the Putt property. He said the sight distance from the driveway is not the problem. The problem is for the eastbound traffic, on Jay St, cannot see oncoming traffic due to a slight hill on the westbound lane. The commitment to turn into the access is made by the driver before the driver has a clear sight of the westbound traffic, according to Mr. Simpson. He said he is familiar with this problem because his driveway is the same situation. With all the talk of a traffic study, it still does not eliminate this “risky spot” said Simpson. Simpson said 25 years ago he and his neighbors had asked the Twp to lower the speed limit. Even though the speed limit was lowered the motorists are still speeding and he told the Supervisors he has never seen a traffic stop made on Jay St. Another danger is when the traffic is stacked and the first vehicle is making a turn. The other cars behind this car do not have clear sight. Simpson explained the history of the subdividing that Mark Arnold had done with this tract of land. He then told of all the various incidents he has witnessed in the last 26 years, which is how long he owns his property. He continued onto say no traffic study will change the arch in the road. Twp residents will still be a t risk according to Mr. Simpson.

Simpson also referred to a previous farmer that had a farming operation. There had been some studies done at that time to find out if the farm was polluting Lions Lake. His point is that if any of these proposed property owners would treat their lawns with chemicals it would eventually end up a the Lions Lake. Simpson presented to the Supervisors a report from the Farm Services Agency, which shows the hydrik soils located in the wooded area of Putt’s property. The issue with this area is the water table level said Simpson. Simpson said he feels this is definitely a wetland area. Brian Hockley repeated again that if there were wetland areas in this property the development would have to be constructed around the wetlands. There are Federal government agencies in place to protect these areas.

Simpson referred to the tax dollars that would be generated from this proposal. It may bring some additional tax dollars but the demand for services will create an increase in tax dollars in the end said Simpson. He also mentioned all the developing that is currently active in the Twp. Would it not be better to wait until some of the developing has slowed down. Simpson said he is opposed to the request and is asking for denial of the request from the Supervisors.

Jessica Starleper – 62 E Brookfield Dr

Ms Starleper questioned Mr. Putt about the options available to him. She said she had been told by the Twp office that he had stated that he had 2 options. Number one was to develop his land or two increase his pig farm operation. Putt agreed saying some of his equipment is in need of repair. To afford the costs of the equipment he would have to increase his operation. She asked how many acres he currently owns? Putt replied 70 acres. How much of the 70 acres is used for the pig farming? Putt replied 50 acres. Starleper then asked if he is planning on increasing his operation is he not limited to the size of operation as opposed to the amount of acreage? Putt responded, no. As long as he has an approved Nutrient Management Plan showing disposal of manure he is not limited.

Public Hearing – Putt Rezoning (con't)

Ms Starleper referred to earlier remarks about a petition against the pig farm operation. She told Putt she is not seeing that here tonight. She sees the opposition of the development. Putt said he sees people here tonight to oppose houses being constructed close to their houses. He does not feel they are opposed to developing just “not in my back yard” developing. He said that the way it is now they have a dumping place for their shrubbery and leaves etc.

Starleper told the Board she had contacted DEP and verified that the “wetlands” in this area is a habitat for bog turtles. This remark created some humorous reactions from the public. She said DEP would visit the site and do a screening of the area. Brian Hockley told her this is a “hit”. It does not mean there are bog turtles there. Some conversation followed about storm water maintenance. Brian Hockley explained a lot of the regulations contained in the Twp Ordinances, when going through the planning process, would control these issues. Starleper finished her remarks by mentioning the overburdened school system. She asked how many homes have been shown on the proposal? The sketch shows 135 homes but that does not mean the final results would be 135 homes. The planning has already changed by increasing the footage of the individual lots. Ms Starleper said she would like to appeal to the Board of Supervisors to deny the rezoning request.

Bill McMichael – Kimmerlings Rd

Mr. McMichael asked Mr. Putt if this development would go through, would public water connections be required? Putt replied there is already city water at the west side of the property. Who would be responsible for getting the city water to the Putt property, asked McMichael? Putt replied it would be the responsibility of the developer. The connection would be from Deerfield North to this proposed development.

Eric Paul – Christine Dr

Mr. Paul expressed his dissatisfaction with the current public water project. He asked if another development would thrust another unwanted project on the residents of NLT? Hockley replied that this development would not impact any residents other than those in the proposed development. When Paul expressed his disbelief Hockley pointed on the map where the water connection would be from Deerfield North. Paul then said in some way all the residents in NLT would “foot the bill” for yet another developer. Hockley said the community does not absorb anything. The developer is responsible for all the costs. Paul then asked if they are trying to tell him this proposal is not “tied up” with the current water project that is being done to satisfy the developers in the east side of the Twp? Brian Hockley said this has nothing to do with the residents. The developer is responsible for the costs of getting public utilities to the developments. The sewer and water availability are right here for the continuation.

Tara McNealy – 101 E Brookfield Dr

Ms McNealy asked if the public is able to see a copy of the minutes? Sol Wolf replied when the minutes are completed and approved by the Board of Supervisors, the public may receive a copy of the minutes of the Public Hearing. She then asked if there are a minimum number of signatures required on a petition to prevent this rezoning? Sol Wolf replied the

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Tara McNealy (con't)

Board of Supervisors takes all information that is discussed here tonight into consideration. Their decision is based on what they feel is in the best interest of the residents and the Twp. The number of signatures on the petition is not material to the Supervisors. The petition is something they must consider with all the other information. Ms McNealy stated her opposition to the request for rezoning and the possibility of overburdening the school district.

Beth Kopicky – 2016 Jay St

Ms Kopicky told the Board she lives at the other end of Jay St. She is new to the Twp and is interested in all sides of this interest. She would hope that the decision to deny would be made due to all the affected residents and the safety of those residents. Kopicky told Mr. Putt she realizes he wants to be able to use his property as he sees fit. But there are many other issues involved with this request. The existing natural recreational area would be disturbed and she would hate to see that happen. Increased traffic and all the other issues discussed tonight have convinced her this should be an issue placed on hold until all the other developments have completed their construction. Due to many of the safety issues raised and discussed this evening she is asking the Board to deny the request for rezoning.

Sol Wolf reminded the public that repetition should be avoided. If there is nothing new that could be added to what has already been said just express your opinion for or against the request for rezoning.

Pete Uhlig - 1107 Jay St

Mr. Uhlig stated he lives about 100 feet from Sandhill Rd. In his area he and all his neighbors have to back out of their driveways onto Jay St. There are numerous times when the attempt to back out of the driveway is detained due to traffic on Jay St. Uhlig said he sees no way there could be anything done to ensure safety in this area.

Gary Daugherty – Kochenderfer Rd

Mr. Daugherty voiced his opposition to the rezoning for all the reasons discussed this evening. He suggested the Twp help Putt get his farm “up to specs” so he would not need to develop his farm. He made an observation about the speeding that is done, not only on Kochenderfer Rd but also everywhere.

Beau Sanders - Sandhill Rd

Mr. Sanders agreed with the remarks about backing out of his driveway. He compared it to a suicide mission. Sanders then mentioned the farm preservation program. Putt said he had talked to farm preservation and they are not interested due to the close location to all the residential areas. Also the size of his farm is questionable for inclusion in preservation.

Wanda Bechtold – Martin Dr

Ms Bechtold said she would like to see Mr. Putt be able to do what he wants. She has lived with the odors from the pig farming operation for 15 years.

Public Hearing - Wanda Bechtold (con't)

Ms Bechtold said she was also one of the individuals that signed the petition complaining about the odors. Unfortunately for Mr. Putt, she would rather put up with the smell of the pigs than have a development in her backyard.

Ruth Keller – Gary Ave

Ms Keller said she travels Jay St frequently because she has a daughter who lives on Jay St. She said there are not only cars traveling on Jay St but tractor-trailers also. Jay St is like a racetrack according to Ms Keller. She just cannot imagine contending with any more traffic on Jay St.

Jennifer Schwartzwelder – Brookfield Dr

Ms Schwartzwelder told the Board her property adjoins Mr. Putt's farm. Her question is in reference to the fire companies in NLT. Are they volunteer or paid fire fighters? Answer volunteer. Will these volunteer fire companies be equipped to handle another 100 homes?

Don Sheg – 1212 Horizon Blvd

Mr. Sheg explained his home was one of the first homes constructed. He also was one of the individuals that had complained about the pig smell a few years ago. He told the Board he had done some research and now has a few questions to ask. His first question is what practices are employed by Mr. Putt to help reduce the smells that had existed a few years ago? Putt responded he started adding chemicals to the manure, which are very costly. The cost per year is about \$1200.00. Sheg then remarked that according to DEP, if Putt is operating his farm as is outlined there should be no smells from his pig farm.

Mr. Sheg stated he would rather smell the pig farm than have another development located there. He then asked if the project were rejected, would you seek revenge by discontinuing some of these practices you are currently using? Putt's reply was, yes I will. So you are saying the smell will be worse and are admitting you will do this? Putt replied, that's right. I can no longer keep paying \$1200.00 as a concession to people who did not want to get along with me. This would be throwing money away. Sheg said he feels Putt should remember there are residents close to his property. Putt disagreed and said years ago, the Twp should have notified the residents that the area is an Agricultural area and not placed that burden on him, as a farmer.

Sheg said he has another comment to make to the Board of Supervisors. If this is approved and another 100 homes are built and there is additional tax of approximately \$1000.00 per household brought in, would the Supervisors then consider adding another Police Officer to the force? Suv Brensinger asked Sheg if he honestly thinks the average homeowner pays \$1000.00 per household? Are you sure of that? Sheg backed up to say he probably does not have all the facts correct. Sheg then said with additional homes, you know we will NEED to have more Police Officers. Suv Brensinger said he thinks we all agree we are at that point already. No one has ever denied that fact. Sheg said he wants to make sure everyone is aware that there is not money in this year's budget for another Police Officer.

Don Sheg - Water Project (con't)

Sheg then asked if this proposal is approved, would there be restrictions to ensure a decent caliber of homes that are constructed? Size requirements and landscaping requirements? When he built his home there were many restrictions that had to be followed. Brian Hockley repeated that the homes would have certain deed restrictions, such as was described previously in the meeting. Sheg said he also has concerns about the increase in traffic. He closed by saying he is opposed to this subdivision.

Kevin Becker – Horizon Blvd

Mr. Becker referred to the mention of traffic studies. His question is how extensive would this traffic study be? Hockley replied the study would be for N Rte 72 east to Sandhill Rd. Becker asked what about Horizon Blvd? He said it is already used as an “expressway” from Jay St to Sandhill Rd. Becker said he thinks Putt should be willing to say who his developer is. Putt responded that he does not think that has anything to do with the rezoning request. Becker argued that some developers are known for a better quality type home. Hockley and Putt both stated these would definitely be a quality home.

Becker recalled a comment made at the Smith Public Hearing about enough available approved building lots in NL Twp. He questioned if Suv Brensinger feels any differently at this time. Suv Brensinger agreed he did make that statement.

Todd Oxenreider – Fawnwood Dr

Mr. Oxenreider said the traffic volume on Water St and Brookfield Dr is already heavy. His concern is with the proposed road connecting Jay St to Deerfield North, which would create a “throughway” from Water St to Jay St. Another concern is the water runoff from the top of Brookfield Dr to the bottom where there is a storm drain. During a heavy rain the area is like a river. How many more buses will the school district have to buy? How many more teachers will have to be hired? This has to stop somewhere! For all the people who boo-hoed about what went before ---- yeah yeah yeah, but now is the time to STOP!

Bill Kelley – Martin Dr

Mr. Kelley said he lives here 28 years before a lot of these other residents. He woke up one morning and the pig farm was there along with the odors. He thinks the Twp Supervisors did a great job with that whole situation. He told the Board he is also appreciative that this type of Public Hearing is being done. Although the Supervisors are allowing the Public to make their comments, the decision is ultimately up to the Supervisors. Mr. Kelley asked Putt who had built the barn for him? Putt replied it had been Farmer Boy Ag. Kelley asked Suv Brensinger if he had been involved in the construction of the barn for Mr. Putt? Suv Brensinger answered that is correct. Kelley suggested to the Board that Suv Brensinger abstain from this vote. Suv Brensinger stated that he knew Mr. Smith and he voted on that request. Kelley said he wants this suggestion to be on public record and he also wants the “threat” from Mr. Putt to be recorded. The public indicated their approval of Mr. Kelley’s comments regarding Mr. Putt’s “threat”.

Lou Reinbold – Water St

Mr. Reinbold said he attended tonight to reiterate his thoughts from the Smith Hearing. He feels he lost a good friend after the Smith hearing as Mr. Smith has not spoken to him since that evening. He wishes to apologize publicly to Mr. Smith. However he said he must repeat there is enough development in NL Twp. Finish the developing that is now started. After that think about new developing. He said he is in opposition to the Putt request.

Linda Yarchak – Jay St

Ms Yarchak stated that both she and her husband grew up on a farm and is accustomed to the farm odors. Their property abuts the Putt property. They moved there due to the aesthetics particularly because of being rural. They do not wish to see this destroyed. The traffic problem is also a real concern according to Ms Yarchak. It is her wish to have the Supervisors vote in accordance with the Twp Planning Commission and deny this rezoning request.

Nancy Hoke – 1030 E Maple St

Ms Hoke said she wished to comment on everybody contributing to this proceeding. The conversation was a good example of the “give and take” afforded to everybody by Local government. She asked Sol Wolf if he could state the reason the NLT Planning Comm had voted against this request. Sol Wolf referred to the Planning Comm minutes when this issue had been discussed. Some of the comments discussed this evening were also the topics the Planning Comm had discussed. Traffic problems and sight distances seemed to be the most problematic for the Commission. Ms Hoke spoke to Mr. Putt asking him if he had ever tried obtaining a grant from the Nature Conservancy. She told him that if his farm is not big enough for Preservation it does not mean it is not of value. He should try the Nature Conservancy for help.

Charles Allwein – Martin Dr

Mr. Allwein said he was one of the individuals that had complained in the beginning about the odors. He wished to commend Mr. Putt for the good job he has done to control the problem. However he is disappointed to hear Mr. Putt make threats about not continuing his current farming practices. He agrees with all the comments about the unsafe entrance onto Jay St. He asked Mr. Hockley about the size of pipe located in Deerfield North? Hockley stated he would have to verify but he thinks it is an 8-inch pipe. He said he has had contact with the City and they have expressed that it would be no problem to connect the water line for the proposed development. Allwein stated he thinks it would be a problem for him and his water pressure. He cannot imagine the difference another hundred homes would make to his already poor pressure. Allwein questioned the Park & Rec Ord, which requires payment of land for recreational use. Which method was chosen for this development? Hockley stated they would be making a payment in lieu of land. The school recreational land is so close and the Lions Lake Park is close. Suv Brensinger said the Park & Rec Board would be asked for their opinions first. The Board would then consider the advise of the Park & Rec Board. Allwein said he would hope the Twp would take a serious look at the traffic situation before any decisions on this issue.

Kay Brandt – Jay St

Ms Brandt's land is located on one of the curves on Jay St and she would like to make the Board aware of the dangerous situation that the traffic causes. She stated her opposition to this proposal.

Claude Mease – E Brookfield Dr

Mr. Mease said the road being so close to his property does not bother him. What does bother him is the school enrollment. The Elementary school is only one piece of the problem. The Cedar Crest High School campus is the next step. The school district cannot handle all these developments.

Sol Wolf asked if there is anyone here to speak in favor of the petition.

Martin Barondik – New St

Mr. Barondik said he would like to tell Mr. Putt he does not care what he does with his land. He can develop it or do whatever he likes. When he spoke earlier he was speaking to the Board. He wants to remind the Board they cannot deny one person and then turn around and tell someone else it is alright to develop their land. He told the people in the room he is unique because he has seniority. He has lived here for 62 years. He has had to stand by and watch everybody in this room move in to the Twp. Barondik said he did not want their homes built and now they are here to tell Putt he cannot develop his land. According to Barondik the people in the room have unmitigated gall to come here and tell Putt this. His response to the school district woes is to the residents. STOP having children!! If Putt can make a buck with his land, let him do it. Barondik told the Board he is in favor of letting Putt develop his land.

Sol Wolf at this point told the public if anyone has something to say, we would hear it. If it is something that has already been discussed we do not wish to revisit the issue, especially traffic. We have already heard all about the traffic concerns.

Cindy Simpson – Jay St

Ms Simpson referred to the traffic study mentioned and having it completed before any approvals for the proposed plan. Does this ever happen? Sol Wolf explained the options the Board of Supervisors have. They could decide to table the rezoning request tonight but there are only a certain amount of days to decide on this. It is apparent to Sol Wolf that the people in this room would not be convinced by any traffic studies and will object to the proposal anyway. If there were one issue that could be resolved and satisfy all the people the Board could enter into an agreement until the problem is resolved.

Karl Jarboe

Mr. Jarboe told Sol Wolf this would be a re-cross questions. Sol Wolf, did you mention while reading the report from the Lebanon County Planning, that they indicated the school was being underutilized? Sol Wolf responded no he did not. He must have heard it incorrectly.

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Public Hearing – Putt Rezoning (con't)

Sol Wolf referred to the letter from LCPD and read the remark about the close proximity to the park and elementary school, it is appropriate to expand the residential district to maximize the utilization of these facilities. Jarboe said he has heard testimony from people here tonight that have children in that school and it is already overcrowded. Sol Wolf stopped Mr. Jarboe and said this topic has already been discussed this evening. We are looking for only NEW comments, not repeating what has been discussed.

Jarboe spoke to Mr. Barondik that he would like to respond his remarks, which he considers to be “hogwash”. A verbal difference of opinions followed between Jarboe and Barondik. Suv Hawkins stepped into the discussion telling the men that the Supervisors can have them thrown out of the meeting, if necessary. She then asked both men to cease their behavior and not say anything more.

Sol Wolf then turned the meeting over to Chp Artz at this time. Sol Wolf told the Board if they have any questions for Mr. Putt, now would be the time to ask. Suv Hawkins said she has some questions for Putt.

Suv Dawn Hawkins

Suv Hawkins asked for verification of the fact that the property is currently in the Ag Security Program. Putt confirmed this to be true. She then asked if it is true he applied to be removed from the Security Program. Putt stated if the rezoning is approved, then yes he has asked to be removed from the Program. Suv Hawkins asked if the re-zoning is denied, would your property remain in Ag Security? Putt responded yes it would. Suv Hawkins asked Putt if he had contacted the owners of the “smutzy” to discuss any options for altering the corner in front of Putt’s entrance. She told Putt he had known coming into this meeting there was opposition to the proposal due to traffic concerns. Has he done anything to try to resolve this issue at all? She also asked Brian Hockley if he had actually sat in the driveway and looked both ways when discussing sight distances? Suv Hawkins asked again if there had been any attempt to contact the owners of the “smutzy” to discuss any options open to them? Hockley stated he had not. Putt stated there is a large tree just to the right of his driveway that is in the Twp right of way. There are some trees that could be removed to help the sight situation.

Suv Hawkins spoke to the public asking if there is anyone present who is in favor of Mr. Putt’s rezoning request. There was no response from the public. She then asked Mr. Kelly, of Martin Dr, if he would like to indicate if he is in favor of or opposed to this request. He is the only one who she did not hear make a recommendation. Kelly stated he is opposed to the rezoning request. Suv Hawkins asked Brian Hockley about the anticipated increase with traffic. She asked if there is a way to calculate how much of an increase the proposed development would create. There is an equation, which relates to trips per day per residence. He added he is not, however, a traffic engineer. He would have to hire someone to conduct the study. She thanked both Mr. Putt and Mr. Hockley for their responses.

Sol Wolf asked if Putt could be refused as far as being removed from the Ag Security Program. Putt replied that in conversations it was never indicated that he could be refused. Ag Preservation is not an option for Putt’s property. Someone in the audience asked for a definition of Ag Security.

Public Hearing – Putt Rezoning (con't)

Sol Wolf explained the Twp has established an Ag Security classification. Any farmers in the Twp are able to petition the Board of Supervisors to be included in Ag Security. There are protective rights granted to the farmers who are in the Ag Security area, primarily in dealing with complaints about the farming operations from surrounding property owners. Also in dealing with condemnations for public use or purposes, there are more stringent procedures in tact to protect the farmer. Basically it guarantees certain protections to allow the farmer to continue his operations. The next step is Ag Preservation and involves the government paying money to the farmer in exchange for the farmer's commitment to continue the farming operations forever. The Ag Security Program, which is a Twp process, does not exchange any financial agreements.

Suv Brensinger questioned Mr. Putt about his hog operation. Do you generate an income from the hog operation and is it enough of an income to sustain your way of life? Putt indicated the answer is yes to the income he gets from the operation. Putt confirmed that he and his wife both have outside jobs, which they receive income from. Suv Brensinger stated the Smiths did not generate an income from their farming operation. He asked how many tillable acres he has on his farm. Putt stated there are 50 tillable acres. Suv Brensinger asked Putt about his proposed expansion. Does this include the Putts staying on the property or the Putts leaving the property? Mr. Putt stated the plan is currently for him. However if someone would offer the right price, the property would be sold. Putt also mentioned anyone present tonight is able to buy the property if they would like to.

Mr. Putt stated he has a problem with everyone trying to tell him what to do with his property. He is the one who pays the taxes and runs his operation. This decision should be his, according to Putt. It simply does not make sense to try to operate a farm, which is surrounded by houses. When he first bought the property the houses were not there. The Twp allowed all these residential developments to be constructed. His thinking is that he might as well develop also. Suv Brensinger said he thought the Deerfield North plans had already been approved before Putt actually started his hog operation. Putt said he thinks this is correct. Brensinger then asked Hockley if he said the Cikovic property was zoned R2. Hockley corrected Suv Brensinger's statement by saying it is zoned R1.

Chp Artz addressed Mr. Putt about the whole odor control issue several years ago. He said as a Supervisor he had to visit Mr. Putt to discuss the topic of the odors created by the pig farm. The residents just flooded the Twp office with phone calls and petitions demanding something be done. Chp Artz said he would like to commend Putt for acting responsibly and taking steps to correct the problem. He asked for confirmation of the facts that the pig operation would be increased if the rezoning is not approved and the expensive corrective measures would not be followed any longer. Putt agreed this statement is correct.

Chp Artz explained the Twp's response to this problem. A committee was created to research this issue and what measures could be taken to create an answer to this type of problem. It was decided to create an additional Ag district for Intensive farming. This has become necessary for the local farmers to be able to sustain their way of life. The fact that Putt has only 50 tillable acres tells you that is not enough to sustain a livelihood. In looking at the Comprehensive Plan this was taken into consideration, an area to have developed for residential.

Public Hearing – Putt Rezoning (con’t)

Everyone here tonight was at one time looking for a place to build or buy his or her home. Growth can be contained for a while but it cannot be stopped. Chp Artz ended his comments by thanking Mr. Putt for his cooperation with the Twp when it was really needed the most.

Sol Wolf asked Putt if he has a petition that was signed by people who were in favor of this rezoning request? Putt responded, no, the petition was presented during the time of the odor problems. People who were against the hog farm signed the petition. Sol Wolf asked if the petition was presented to the Board and is now a matter of public record. This fact was confirmed.

Suv Brensinger said he would like to make a few comments on what was said tonight. He agrees there is a concern about the school district. He told Barondik he did not follow his advice as he is the father of 7 children and he would not change a thing. He said he received the school newsletter recently and it reported the freshman class entering the high school in September is the largest class yet. The class will consist of 450 (+) students. The Twp must accept some accountability for this as we approve the developing. The issue of over crowding is the school district’s problem. Another problem the Twp faces is the issue of the Police force and the constant demand for the officers’ time and the demand for additional Police officers from the residents. Residents pay taxes but the taxes have to provide more than just policing. If this proposal is approved the new residents will want the streets plowed and all the other services offered by the Twp. The development would generate revenue but certainly not enough to cover all the expenses that would be incurred by the Twp. New residents bring new demands for the Twp services such as plowing, leaf collection, grass dumping, police and fire protection etc. Suv Brensinger said he wanted to be very clear to the residents, there are many services provided to them other than Police protection.

Suv Brensinger referred to a statement he had made to Mr. Smith during that Public Hearing. When reviewing the Twp Zoning Map there are many areas already zoned R1 and R2 in the Twp that are not yet developed. There are also a lot of plans in the approval process currently. These developments will add to the demands for Twp services as well as the school district. Traffic concerns are a large issue. Not only as Supervisors but also as the Twp Roadmaster, Suv Brensinger stated he is well aware of the volume of traffic and the problems associated with the traffic. He appreciates all the comments as reminders but he wants everybody to know he is well aware of the problems. He and all the Twp employees face these problems every workday. The traffic is not just from NLT. The municipalities to the north of us have very little in place as requirements for developing. Unfortunately, they are traveling into the city and south of their residences. Traffic from this proposed development will add additional stress to traffic issues. A traffic study, in Suv Brensinger’s opinion, will not help alleviate an existing problem. In response to Mr. Kelly’s comment about his involvement with building Putt’s barn, Brensinger said he does not feel there is any conflict and does not feel he needs to exclude himself from a vote. He told Mr. Kelly if he has any objections to this issue he could address it with the Ethics Commission. It was already checked into and the answer was that it was not relevant. Brensinger then addressed Ms Bechtold. He told her he appreciates her honesty in admitting she was one of the complainers when this odor issue first started and he appreciates her being willing to serve on the committee that was established at that time. The point that he wants to make right now to everyone in this room is that Mr. Putt says he will and is within his rights to expand his hog operation.

Public Hearing – Putt Rezoning (con’t)

There is not a thing the Twp can do to prevent this expansion should it be determined to do so, Suv Brensinger explained. It is now state law that municipalities may not restrain any farming operations from expansions. He definitely is able to add on to his farming operations. This is not an idle threat. The option to quit using the additives for odor control, which Putt had discussed earlier, is his option but it is the hope of Suv Brensinger that he would not do this.

Suv Hawkins then added that while we are asking Mr. Putt to be neighbor friendly, that also applies to the residential properties. We need to remember that farmland is not a “dumping ground”. If anyone is dumping leaves and unwanted yardwaste on Putt’s property, it should cease. There is no reason for anyone to abuse someone else’s property with his or her unwanted yardwaste. The Twp cannot be held responsible for the school district either. What past Supervisors have done cannot be changed. It is done. It is the hope of this Board to help in the future.

Chp Artz expressed his appreciation for everyone’s attendance and his or her remarks. Chp Artz asked his fellow Board members if they would like to vote on this issue tonight or what they would like to do? Suv Brensinger said he is ready to decide on this issue tonight. Suv Hawkins indicated she is ready to vote tonight also.

Suv Brensinger was asked to begin the votes. He stated he is voting to deny the request for all the reasons he has expressed throughout the meeting. Suv Hawkins stated she also feels the request for rezoning is to be denied. Chp Artz stated he is in favor of the request. He said his reason is that growth cannot be stopped. He feels all issues have been answered or would be answered throughout the process. He said a lot of the issues expressed tonight are the “not in my backyard” thinking. He said there has not been enough proof expressed here tonight to deny Mr. Putt an option that would be valuable to him.

Chp Artz stated the votes are as follows: Suv Brensinger and Suv Hawkins denying the request and Chp Artz in favor of the request. The vote carries as 2 no votes and 1 yes vote. The request for rezoning is denied.

A brief break was taken at this time.

A.)Water Project McMichael – Kimmerlings Rd

Mr. McMichael continued his remarks about the Board’s mandatory connection to public water for this water project. He told the Board he needs help trying to figure out his finances. Chp Artz said he went through all this with the sewer project coming into the Twp. A lot of people thought that was terrible also. The end result was that everyone survived the sewer. The Authority will work with anyone who has problems. Financial problems will be worked out with the Authority. McMichael told the Supervisors that he had attended the Authority meeting and had been told to come to the Supervisors for help. Chp Artz who specifically told him to come to the Supervisors? He responded it was Tom Parry. Sol Wolf stepped in to say he was told to come to the Supervisors for a change in the mandatory connection Ordinance NOT for financial issues.

Water Project (con't)

Sol Wolf asked McMichael if he had received his information packet in the mail yet. The answer was no. Sol Wolf explained in the packet there is a request, for hardship reasons, to not have to connect. Fill out the information and send it to the Authority. The Authority will then review all the information with the applicant. After meeting with the Authority different options will be reviewed by the Authority, if it is indeed determined by the Authority that there are financial hardships in existence. If a determination is made to work with this individual an agreement will be signed. The agreement will forgive the current property owner from connection BUT if the property is sold for any reason the new owner will be required to connect to the public water system.

Audrey Zellers – Kimmerlings Rd

Ms Zellers said that might help with the tapping fees but does not help anyone with the plumbing expenses. She said the plumber told her that the fees for his services must be paid upfront. Zellers asked about paying the tapping fee of a thousand dollars and not connecting. When the well goes bad she then connects and begins paying the debt? Sol Wolf said the \$47 debt was included in the financing he Twp guaranteed for the loan. What if I am willing to pay the \$47 debt and still do not connect to the public water, asked Zellers? Sol Wolf said Dawn Hawkins had asked this question a long time ago. When the City was asked this question, the answer from the City was that EVERYBODY MUST CONNECT!!! The City will own the system once it is completed. They are relying on the revenue to help finance the maintenance of the system they will be maintaining said Sol Wolf. Zeller started complaining about restoration issues she is unhappy about. Sol Wolf told her to come into the office and give the information to the staff. The information will then be forwarded to the proper channels.

Eric Paul – Christine Dr

Paul questioned if this information was mailed to everyone in this project? Sol Wolf explained the project is being released in phases. The first phase has received the mailings. The other phases will be receiving the information soon. He told Paul he should see him after the meeting to give him address information and he would see to it that he receives the information to review.

McMichael – Kimmerlings Rd

McMichael asked Sol Wolf if he is saying a change of Ordinance is impossible to get? Sol Wolf said he is trying to say the Twp has anticipated the expenses including everyone on the project paying a thousand dollar tapping fee in order to guarantee the debt for this project. Sol Wolf then explained that if a financial hardship is proven to the Authority, the individual would not be paying the debt or the connection fee. When the property is sold the new owner will have to pay the tapping fee, at whatever the cost is at that time, and the debt.

Suv Hawkins

Suv Hawkins questioned the City mandating total connections to the systems when they are already maintaining some of the properties on the other side of Kimmerlings Rd.

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Water Project (con't)

Not all the homes are connected to City water and they are accepting of that fact. Will these other property owners who are not connected be forced to connect also to public water according to the Ordinance? Sol Wolf explained that these people would not have to connect because the water service area was already established when the Ordinance was adopted. Hawkins then asked if the Ordinance adopted would not set a precedence that the people in the other area who are not connected should also be mandated to connect? The City says this is not their mandate to make. If the Twp wants to make that Ordinance mandatory they would then be happy to accept these people as customers. Explained Sol Wolf. Suv Hawkins said she thinks this sounds like discrimination to her. She said this just is not right.

Donald Haag – 2025 Weavertown Rd

Mr. Haag said he had attended the Municipal Authority meeting on Thursday evening. The Authority made the statement, which the Twp Supervisors were responsible for the mandate to connect. Is this correct? Chp Artz said the Supervisors adopted the mandatory connection Ordinance, yes. Haag told the Board Tom Parry said the Twp Supervisors mandated the water project and the Authority was following what the Supervisors mandated to the Authority. Is this correct? Sol Wolf said he is not sure what language Mr. Parry used and if it was correct. Sol Wolf explained that 2 of the Supervisors, on the Board at the time the project was first considered, instructed the Authority to conduct feasibility studies in response to the constant requests for public water connections from the residents in this area. They, Supervisors and Authority members, both agreed that financially feasible would mean not charging the residents any more than a thousand dollar tapping fee and not more than \$50 in debt service. Together they worked on trying to pull all the information together to achieve this goal. Once this was done, the Authority had the Supervisors' blessing to continue with the thousand dollar-tapping fee and the debt service set at \$47. During the Public Hearing on the public water connection issue the Supervisors had to guarantee the debt the Authority had to attain to start the water project. The Supervisors did not order the Authority to do this project. They had asked the Authority to conduct the feasibility of doing the project under the financial structures set.

Haag said he would like to know about the requests received from residents for years prior to the project. He said there was supposed to have been a survey of the residents done for this proposed water project. He said he never received this supposed survey. Sol Wolf told Haag that during this current process there was not a survey completed. He said this is one of his problems. Haag then quoted Tom Parry as saying the project was first started 4 years ago and there was no public present. Haag said Parry was chastising the public for lack of attendance. Haag said that the public did not necessarily approve what the Authority was doing at those meetings. There is not reason for the public to attend every Twp meeting. Haag said he does not have the time for that. He has better things to do with his free time than act as a "watchdog" and look out for his best interests.

Haag told the Board during that meeting there was a give and take and than all of a sudden Parry "gaveled them down" and that was it. He cut them off and did not let them have their say. As an appointed man, not elected, he should have let the public say what they had to say. As long as the meeting was going in an orderly way the public should be allowed to speak. A pertinent question deserves an honest answer according to Haag.

Water Project (con't)

Haag said he left that meeting thinking that what he had to say meant nothing to that Authority and he finds that to be appalling! When the Citizens Group was formed they found out how apathetic some of the residents were. They gave in and quit the group when they found out the services of an attorney might be needed to fight the local government. This is not the way local government should work said Haag. The public deserves to have their voices and honest answers to their questions. They also deserve to have representatives that will listen to the people, such as 2 of the representatives listened to the people tonight.

Chp Artz stated he would check into how the meeting was conducted that evening. Sol Wolf told Haag that the Supervisors receive a copy of all the minutes and the "give and take" that took place will be read by the Supervisors. If they feel anything unfair was done to Haag, or any of the residents, the Supervisors will let the Authority know how to handle future situations. Haag said he is guilty of not attending meetings for 4 years. He has better things to do than attend Twp meetings. If the residents have to attend every meeting to act as a watchdog than there is something wrong with the government.

Sol Wolf told Haag if he attends the next meeting he would be placed on the agenda and he could say anything he likes to say. Haag told Sol Wolf he usually does not say too much of anything at the meetings. Sol wolf agreed Haag normally does not say much.

Eric Paul – Christine Dr

Paul told the Supervisors, if they really mean that and wanted to show their sincerity, they could tell the public "if you don't have the means to make the scene, then you don't have to". Sol Wolf asked if he is referring to his parent's property. Paul responded yes. He also said Cedar Crest has just "slammed it" to us this year at the same time this project is going on. Sol Wolf repeated that when the information packet is received, fill out the request for financial hardship and submit it to the Twp office. Paul asked when this packet of information could be expected. Suv Brensinger said Christine Dr is in Phase 1 and should have received the information already. The mailings were done registered. Suv Brensinger said she may have received the green notice card and did not know what it was. Sol Wolf told Paul to get in touch with the Twp office and they would provide any information that has not been received.

Karl Jarboe

Is it not true that Mr. Putt is able to appeal this decision within the next 30 days? The Supervisors confirmed this to be true. Jarboe then questioned Chp Artz about a remark he had made about something going in at 8th Ave and E Maple St. What would that be? Chp Artz responded it is to be a retirement village. Jarboe then asked when this would be going in? Suv Brensinger replied it has started already.

APPROVAL OF MINUTES

MOTION: Was made and seconded to approve the minutes from May 3, 2004. Unanimously carried.

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APPROVAL PAYROLL, PAYMENT OF INVOICES, FUND BALANCES

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

CHIEF OF POLICE REPORT – Kim Wolfe**A.)Calls For Service –**

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

1. Calls for Service totaled 262
2. 73 Criminal arrests
3. 93 Traffic arrests
4. 34 Court dates
5. 25 Follow up investigations
6. 47 Warnings
7. 14 Burglar Alarms
8. 1 Assault or aggravated assault
9. 8 Domestic situations
10. 4 DUI arrests
11. 3 Drug Arrests
12. 18 Police Assists
13. 6,960 Miles logged on the cruisers

B.)Request for Fire Police Assistance from City Police Chief

Chf Wolfe said he would like to address this issue to Sol Wolf. In the communications back and forth about the Insurance certificate information provided to the Twp and the workers comp info, it has been communicated to Chf Wolfe they would be willing, although very hesitant to do so, to include the workers comp. When the first information was provided the limit information was good, as well as listing the Twp as "Additional Insured". However the worker comp issue was not addressed at first. Chf Wolfe told Sol Wolf that he had received a notice from Whites HD that their insurance carrier would NOT include workers comp for this detail because they do not employ the Twp Fire Police. Sol Wolf said the Twp is concerned about this issue due to the Harbaugh case.

Suv Hawkins asked if the Twp insurance company could not cover the Fire Police for this particular detail? Sol Wolf explained the Twp insurance does include workers comp. What they are trying to avoid is having to pay a premium, such as the Harbaugh situation, when they detail is not being conducted in the Twp limits. White's HD is a little different because it is in the Twp limits even though it is a private enterprise.

C.)Cops in Shops

Chp Artz apologized to Chf Wolfe for not being able to attend the morning meeting with him. He mentioned the Cops in Shops detail at the meeting. The Board discussed the request prior to this meeting. He said he thinks his fellow Board members are in agreement with him that the details for this request could be worked out.

D.)MEMO on Crime Rates

Suv Brensinger wanted to take a few minutes to mention a MEMO Chf Wolfe had submitted to the Board in reference to 2003 Crime Rates put out by the State Police. Suv Brensinger said the population of the Twp is nearly 11,000 and we have had over 1,000 criminal offenses investigated. The completion ratio for solving the crimes was almost 72%. North Londonderry was the next closest to NLT and they solved close to 60% of their crimes. Suv Brensinger said he would like to commend the NL Police Dept for their work on solving these cases. Although the Board has had differences of opinion in the past months, it is his hope the officers will continue to provide the citizens with the good performances as in the past. Chf Wolfe stated he would pass this along to his officers.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine**A.)Briar Lake Final Subdivision Plan – Phase 1**

Located: N 8th Ave & E Maple St

Phase 1 of the Briar Lake Preliminary Plan is before the Board for approval tonight. The plan illustrates 32 residential building lots (31 retirement dwellings and 1 single family dwelling lot), 3 annexation parcels and 2 open space lots with inter-related street and utility design, storm water management facilities and associated improvements. County Planning has provided a letter of recommendation dated May 10th. The NL Planning Comm has also reviewed and recommended their approval. The Homeowners Association documents are to be provided to the Solicitor in order for him to assure concurrent recording. Thus the approval should require the simultaneous recording of the Homeowners Association documents.

Sol Wolf reported to the Board he has now received the right-of-way documents and they are ready to be recorded. Suv Brensinger questioned Sol Wolf if he has received the Homeowners Association documents and have they have been recorded already? Sol Wolf disagreed, saying he has received the recorded Twp right-of-way agreements. The Supervisors have approved the property owner's documents but the documents must be recorded. Chp Artz questioned the width of the streets. Suv Brensinger stated the streets are full width and the right-of-way is 50foot with 34-foot cartway. Suv Hawkins questioned the entrance being across from Meadowlark Lane. Her concern is if this is far enough away from Maple St. Suv Brensinger said Meadowlark Lane exists and is about 2 blocks away from Maple St. Hawkins said she thinks she is confused. Brensinger asked if she is thinking of the lane going back to the pumping station. Suv Hawkins agrees that is why she was confused.

Scott Miller of Stackhouse, Seitz and Bensinger spoke to the Board explaining this is just Phase 1 of the plan. Some of the areas they are questioning are contained in Phase 2 and 3. Miller explained the specifics of the road measurements and requirements. Suv Brensinger reminded his fellow Board members the streets would be owned and maintained privately by the community. Martin Barondik asked Scott Miller if he has any idea what the cost of the homes would be? Miller said he does not know. Landmark Builders will be doing the construction.

MOTION: Was made and seconded to approve the final Subdivision Plan – Phase 1 of the Briar Lake Plan contingent upon the Homeowners' Association documents being provided for recording. Unanimously carried.

B.)Conestoga Log Cabins Subdivision Plan

Located: Hefflefinger Rd

The next plan before the Board for approval is located on the south side of Hefflefinger Rd. The plan was originally presented to the Board on November 12, 2003. It illustrates a 5-lot subdivision plan for single-family residential purposes. Lots 1-3 access Hefflefinger Rd, Lot 4 to Linda Dr and Lot 5 to Loretta Dr. Cul-de-sac designs are proposed at the stub ends of Lind Dr and Loretta Dr. The remaining lands are to retain 11.07 acres. The Board is being asked for 3 items tonight: Planning Module Resolution #12-2004 for on-lot systems, which has been reviewed and approved by SEO Gordie Watts; Park & Rec agreement with payment in compliance with the Twp P&R Ordinance; and the subdivision plan itself.

The Board members and Twp Manager Grumbine discussed some of the lots and the sizes of the lots. Several other notations on the plan were discussed. Suv Brensinger confirmed the zoning to be R-R (rural residential).

MOTION: Was made and seconded to approve Resolution #12-2004 planning module for the Conestoga Log Cabins subdivision Plan. Unanimously carried.

MOTION: Was made and seconded to approve the Park & Rec agreement for the Conestoga Log Cabin Subdivision Plan. Unanimously carried.

MOTION: Was made and seconded to approve the subdivision plan for the Conestoga Log Cabin Plan. Unanimously carried.

C.)MDS Custom Homes Subdivision Plan / Park & Rec Agreement

Located: Joyce St

The next plan before the Board is for MDS Custom Homes and proposed subdivision along the north side of Joyce St, east of 33rd St. The plan illustrates 2 lots owned by MDS Custom Homes. The plan also conveys a lot addition from Lot A to an adjacent lot. Variances were granted from the Zoning Hearing Board Case #1-04 and are listed on the plan. A Park & Rec Agreement has also been signed and payment received. The Supervisors are being asked to take action on this plan.

Suv Hawkins asked if these lots are not the usual size lots. Mgr Grumbine agreed but explained the Zoning Hearing Board granted a variance for the non-conforming lot sizes.

MOTION: Was made and seconded to approve the Park & Rec agreement, along with payment. Unanimously carried.

MOTION: Was made and seconded to approve the subdivision plan of MDS Custom Homes creating 2 equal lots on Joyce St. Unanimously carried.

D.) Revised Tire Collection Amounts

Mgr Grumbine reported that after the corrections were completed in regards to the tire collection, a total \$321 was owed for the drop offs from NLT residents.

E.) Request to Operate Ice Cream Parlor @ Lions Lake Park

As requested by the Board, Sol Wolf has prepared an agreement between the Board and Scott & Suzanne Meyer. This agreement allows the operation of an ice cream parlor at Lions Lake and is very similar to the previous tenant's agreement. The Meyers are asking that the Board consider prorating the rent this year since the agreement runs from April 1 through September 30. Thus this is May and they have lost a month and a half of operations for 2004. If the Board is in agreement with this, the rent would be reduced to \$834 for the 2004 year. Mgr Grumbine is suggesting the Board allow this adjustment to the first rent payment in order to allow the Meyers to get the business started.

MOTION: Was made and seconded to approve the agreement, with the prorated amount for the first payment, for the Meyers to operate the ice cream parlor at Lions Lake park. Unanimously carried.

F.) Meeting with DEP Regarding GLRA Increase Capacity

Mgr Grumbine stated this is an item of public announcement more than anything else. A notice has been received from DEP about a public meeting to be held at the Ebenezer Elementary School for June 10, @ 7:00 PM. The purpose of the meeting is to allow the residents discussion time for their concerns regarding the GLRA's request to increase their capacity. Also a Public Hearing will be scheduled at a later date, with a 30-day prior notice. DEP will be sending notices and advertisements. Suv Brensinger requested a notice be given to Brenda Miller as she had asked to be kept informed.

G.) MEMO on Park & Rec Issues

1.) Comprehensive Plan – In 2003 the Park & recreation Board had interviewed several engineering firms in order to update our existing Open Space, Park & Recreation Plan. Three engineering firms had been selected to provide final proposals. In reviewing the proposals, the Park & Rec Board has recommended the Rettew Assoc to prepare the plan. This will provide an update to the existing plan created in the 1990's. The plan will survey existing recreational facilities in the Twp and will focus on the Moyer tract recently purchased by the Twp. A survey is planned to ascertain what the residents feel they need for recreation in the Twp. This revised plan will also provide the necessary foundation to obtain future grants.

Suv Hawkins asked for clarification on what Rettew's proposal involves. Suv Brensinger explained the proposal is an outline for what services Rettew will provide to the Twp to accomplish this Comp Plan. This proposal is not the Comp Plan.

Martin Barondik told the Board he had an idea for the Narrows Dr property. He said the Mgr and the Board is not sure what to do with this property but he has a good idea for it. Barondik said we do not need any more ball fields. We have all the swings and playground areas we need also. Barondik told the Board he visited the property to see what was there. He would like to propose something for all the skinny little kids and all the fat kids that were never interested in sports and would like to improve their minds.

Comprehensive Plan (con't)

Barondik would like to create a Twp library. He has checked the Twp codebook and it is permitted to do this. Suv Hawkins said there is not a building there. Barondik insisted the house located on the property is perfect for this. Knock out a few walls and construct a solarium to the rear for the kids to sit there. In a few years nature trails could be developed for senior citizens. This would please all groups, the Athletic people have what they think they need and the kids who want to improve their minds also have something. What is wrong with a library?

Suv Hawkins said there is nothing wrong with a library. Once the Comp Plan gets established the Twp will need people with ideas to attend the meetings and she is suggesting he do just that. Attend the meetings with his ideas. Suv Hawkins asked who is going to provide financially for the books and materials for this library? Barondik answered, "I believe they are called grants". He said that is all he hears talked about when he attends the meetings. Chp Artz then said there are already so many libraries available. Barondik said are you telling me we don't have enough ball fields. He said he is tired of hearing about sports and jocks all the time. He said reading is his passion and he is tired of SPORTS. Chp Artz told him to follow Dawn's suggestion. When the time comes attend and bring your ideas. Barondik said he would be there.

Suv Brensinger said when the Lions Lake Comp Plan was done, a survey was completed. The results came back as "passive recreation". The Supervisors began discussing the recommendation from the Park & Rec Board to appoint Rettew & Assoc. Chp Artz said Rettew was very influential in helping to plan for the development of Lions Lake. Also the presentation was terrific according to Chp Artz. Rettew was also instrumental in helping to obtain grant money.

MOTION: Was made and seconded to give direction to the Park & Rec Board for the appointment of Rettew & Assoc to prepare the Comp Plan for Parks & recreation. Unanimously carried.

2.)Coke Machine @ Long Lane Athletic Fields – The Board has received a MEMO regarding a request from the Ebenezer Baseball Assoc for placement of a Coke vending machine. Another issue was raised last week when Mgr Grumbine received a phone call from Mr. Murphy, an L&I inspector. In 1992 a drawing was approved for the concession stand located on Long Lane. However the building never passed an inspection. In April of 1997 a letter had been forwarded to Chuck Kercher of the Athletic Assoc requesting this situation be resolved. In December of 1997 a second request was made to the Assoc to correct this situation. At the time of the approval from L&I the school district had owned the property therefore the Twp has no plans to review what needs to be done to correct this situation.

A meeting was scheduled for Tuesday, with Mr. Murphy, to review the drawing and find out what needs to be corrected. Mr. Murphy has advised the toilet must be 18" from the wall and handrails need to be installed per the measurement stated on the original plan. Because the Twp will be responsible for these corrections as well as other maintenance needs for the fields, Mgr Grumbine is strongly recommending that the Coke machines be maintained on the fields to offset the costs of the Twp maintenance. This year there were 4 Coke machines placed in various recreation areas of the Twp.

Coke Machine @ Long Lane Athletic Fields (con't)

However no machine was placed at the concession stand due to the operation of the sports assoc concession sales. However if a Coke machine is to be placed at this location Mgr Grumbine recommends the Twp be included with the other 4 Coke vending machines and used to offset our costs for maintaining these fields and appurtenances.

Suv Hawkins questioned if the Ebenezer Baseball Assoc is the same as the Athletic Assoc? Mgr Grumbine explained at one time all the sports Assoc were separate. They then formed one Athletic Assoc and have recently all split back to individual associations. This would create another problem If baseball places a machine there the other sports associations would not gain any profit from the machine. This would not be fair and how would the Twp determine how to split the profits evenly. Suv Hawkins said her concern was with the bathroom issue. Chuck Kercher, of the Athletic Assoc, was mentioned when the problems were supposed to be resolved. It is the Ebenezer Baseball Assoc asking to place the Coke machine. If the Twp is responsible for all the corrections and the baseball assoc gets the coke machine, what is the Twp getting from all this? Suv Hawkins answered her own query, nothing. Mgr Grumbine said this is something the Twp got stuck with along with ownership of the building.

Suv Brensinger said if L&I wants to, they have the power to cease the operation of the concession stand altogether. Suv Hawkins asked if there are any other toilet facilities at these fields. She was told no. She said she thinks it is something the Twp should do correct the situation. At eh same time she said she does not think the Baseball assoc should be permitted to place a Coke machine there. Suv Brensinger said he agrees. With all the money and maintenance the Twp is pouring into this area, the funds should be the Twps. At one time the association used to contribute a lot of the work for these fields. That is no longer the case. The Coke would help to offset the costs assumed by the Twp. Another factor is that Coke is responsible for any vandalism is that occurs.

Barondik asked if the Twp owns this land. The answer was yes. He then asked if he remembers correctly awhile back when the association was all in an uproar. Did they or did they not promise all kinds of work to be donated? Barondik said whenever he goes in that area he sees a lot of Twp employees but never sees any volunteers. Suv Brensinger said at one time the Association members did a lot of the work. However that stopped a while back. Conversation continued about whether a Coke machine is needed in the area and where the placement should be for the machine. Suv Hawkins commented at least the funds from a machine would assist in recouping some of the maintenance costs.

MOTION: Was made and seconded to approve placement of a Coke machine, by the Twp, at the Long Lane athletic fields in the area of the concession stand. Unanimously carried.

H.)Fuel Bids

The Twp had re-advertised for a fuel card system since no bids were received form the previous advertisement. No bids were again received and Mgr Grumbine is recommending that the Twp continue with our current fleet card system through Mobil.

Fuel Bids (con't)

MOTION: Was made and seconded to approve continuation of the current fleet card system presently being used through Mobil. Unanimously carried.

SOLICITORS REPORT - Frederick Wolf**A.)Boundary Line with Bethel Twp**

Sol Wolf reported that a joint meeting is needed between NLT and Bethel Twp to review all the completed items regarding this issue. He asked Mgr Grumbine to contact the secretary at Bethel and arrange a meeting.

B.)Spruce Park Determination – Real Estate Transfer Tax

During the transfer of this property the transfer stamps were not properly distributed. After many attempts by Sol Wolf to correct this situation he has finally received contact about how to resolve this issue. Apparently there had been a section of the paperwork missing and will now be provided to the Twp for completion. Upon receiving this re-determination and the reasons for it, the Twp should then receive the funds owing.

C.)Review of Regulations for Compost Facility

Sol Wolf has provided the most recent update of regulations for the compost facility. The only additional matter, which will have to be addressed when trying to enforce the regulations, is whether someone operating their business in the Twp, although the business is located in the Twp, should they be permitted to bring the material to the compost facility? If a permit is granted to this business, we have to realize the business will more than likely deposit materials not from the Twp in the facility also.

Suv Brensinger said he is in favor of ruling out all commercial grass clippings. These businesses have found a place in the past to get rid of all the clippings. He feels this would only refer to the grass clippings. The dumping of trimmings from other materials would be acceptable. If the residents the work is being completed for feel “left out” they can come in and get the permit in their name.

Martin Barondik while reading the regulations questioned why a resident has to pay a fee for this service. Why must the resident pay a tax twice? This facility is provided by a grant, right? Asked Barondik. Suv Brensinger replied the grant helps to purchase the equipment. It does not pay for the continual running and maintenance of the facility. Barondik then said all the residents have to pay twice for this facility. Suv Brensinger disagreed saying the residents do not have to purchase a key card. They do not have to use the Twp facility. This is still cheaper than a trip to the landfill. That costs \$20.00 a trip. Barondik asked just what is being taken to the landfill. He was told grass clippings, leaves and brush. Barondik said he still thinks the residents should not have to pay any fees. Suv Brensinger disagreed saying there is a need to help offset the cost of the facility. Theresa George, Twp employee, told the Board that the office receives messages of thanks for this facility from almost everyone who uses it. They have repeatedly said this is one of the best services the Twp has offered and they have no problem paying a \$20 fee.

Regulations for Compost Facility (con't)

MOTION: Was made and seconded to adopt the rules and regulations for use of the compost facility with the addendum of the business regulation. Unanimously carried.

D.)Second Amended Supplemental Agreement w the city of Lebanon

This is the agreement with the City of Lebanon effective May 1st when the sewer capacity fee was changed at the treatment plant. It was changed from \$800 per EDU to \$1575. A question was raised about the method used to compute an EDU. The State has created a formula to be used to calculate the gallons. A question was also raised about the capacity that had been pre-purchased by the Twp. the Twp does not want the gallons to be taken away. The agreement will not be signed until Sol Wolf receives confirmation of the total gallon age the Twp still has available for capacity. A lot of conversation followed about the charges from the City to the Twp for sewer treatment. A lot of questions are being asked about some of the differences between the old formula and the new one the state has established.

E.)Property Clean Up & Code Enforcement

Sol Wolf reported he and Bonnie are still working on property clean up. John Oates (New St) is still one of the properties being worked on. Sol Wolf reported there are some financial problems in existence and he recommended that Mr. Oates contact a non-profit organization for some help in creating a budget. Bonnie reported to Sol Wolf she had received a call from a group that would be working with Oates. Sol Wolf reported there are a few other property owners working on getting their properties in order.

F.)Statewide Building Code

This is something the Supervisors will need to decide. Earl Meyer, of the Lebanon County Planning Dept, has been working with Sol Wolf on this issue. He has indicated to Sol Wolf that by the end of the week he will be ready to distribute to all the municipalities the Ordinances and Resolutions that will need to be adopted by the Boards for enforcement of this code. This will need to done by July 8th of this year. Copies should be provided this week and the Supervisors will be able to take a look at the documents. The municipalities may add supplemental information to the documents but may not take any information away from what has been provided by Lebanon County Planning.

COMMENTS FROM BOARD MEMBERS/ TWP MANAGER

There were no further comments from the Board members.

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

Respectfully Submitted,

Theresa L. George
Recording Secretary