

**MINUTES
NORTH LEBANON TOWNSHIP BOARD OF SUPERVISORS
JUNE 21, 2004**

This meeting of the North Lebanon Township Board of Supervisors was held at the North Lebanon Township Municipal Building, 725 Kimmerlings Rd, Lebanon, PA with the following people present:

Dawn M. Hawkins.....V-Chairperson
Edward A. BrensingerTreasurer
Kim R. WolfeChief of Police
Frederick S. Wolf Henry & Beaver, LLP

Also in attendance was: Chris Brown of the Daily News, Bob McNeary of the LVEDC, Jack Cromby of the Valspar Corp, Bonnie Grumbine and Theresa George, NLT employees and approximately 12 other individuals.

COMMENTS FROM THE PUBLIC

V-Chairperson Hawkins started the meeting with Comments from the Public. A Public Hearing is scheduled to start at 7:30 PM. The regular meeting will cease and the Public Hearing will begin at that time. Suv Hawkins instructed anyone wishing to Comment during this segment of the meeting to raise his or her hand, be recognized and state his or her name and address.

A.)Brian Hartman – 1612 Greenwood Dr - Yard Waste Facility Hours of Operation

Mr. Hartman told the Board he was here tonight to discuss the hours of operation of the Yardwaste facility. He said he is very happy the Twp is offering this service for the residents. However he is unhappy about the restrictive Saturday hours and the lack of Sunday hours for use of the facility. He explained that his work hours prevent him from being here for the Saturday hours. Suv Brensinger told Hartman that the Board has already altered the hours for Saturday use to match the weekday hours of operation. Hartman questioned the use of the facility Sunday. Suv Brensinger stated there would be no hours on Sundays. He said he is a believer in Sunday being a day of rest. Also the pavilion area is usually rented for Sundays. Hartman countered with the fact the park is rented on Saturdays also. He continued onto say if the park, which he considers to be a Twp facility, can be utilized on Sunday, why not another Twp facility?

Suv Brensinger stated he considers the park rental to be family recreation. Hartman then said he considers working in his yard on a Sunday to be family recreation. He said he could understand the reason if an actual attendant was there on a Sunday. The only attendant is electronic. Hartman told the Board he does not agree with the limited use especially since there is now a \$20.00 fee to use the facility. Suv Brensinger said he thinks the hours of operation are more than enough to get the job accomplished. Hartman then brought up the fact that previously the hours were unlimited and that it was free to residents. Brensinger said the Twp had absolutely no control when the facility was first created.

Brian Hartman - Yardwaste Facility (con't)

Hartman said with the card program in place there is now control and the Twp would know about any abuse of the facility. Some more discussion continued about the lack of Sunday hours. Suv Brensinger thanked Hartman for his comments and stated he appreciates Hartman's feelings but he feels the scheduled hours of operation are sufficient enough for anyone to have use of the facility. Mr. Hartman repeated to the Board he is very appreciative that the facility was created for the residents. Suv Hawkins added that the facility is a work in progress and continuous review and changes would be forthcoming.

B.) Wayne Kauffman Sr. – 2101 Heilmandale Rd - Weed Ordinances

Mr. Kauffman questioned the weed cutting Ordinance. He questioned if anyone is exempt from the Ordinance? Suv Brensinger stated that Agricultural properties are the only exemptions. Chf Wolfe confirmed this information.

C.) Martin Barondik – New St

Mr. Barondik questioned the Chairperson and the Twp Manager being absent. He was told Ken Artz was on vacation and the Twp Manager was on vacation in order to be involved with Vacation Bible School.

APPROVAL OF MINUTES

The minutes from May 17th and June 7th were presented for approval.

MOTION: Was made and seconded to approve the minutes from May 17, 2004 and June 7, 2004. Unanimously carried.

APPROVAL PAYROLL, PAYMENT OF INVOICES,

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

CHIEF OF POLICE REPORT – Kim Wolfe**A.) Calls For Service – May 2004**

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

1. Calls for Service totaled 279
2. 52 Criminal arrests
3. 75 Traffic arrests
4. 38 Court dates
5. 41 Follow up investigations
6. 39 Warnings
7. 17 Burglar Alarms
8. 7 Assault or aggravated assault
9. 8 Domestic situations
10. 5 DUI arrests

Calls For Service – May 2004 (con't)

11. 3 Drug Arrests
12. 10 Police Assists
13. 7,198 Miles logged on the cruisers

B.) Traffic Study Suggestion – N 8th Ave and E. Canal St

Chf Wolfe said he had reviewed the Board's request concerning the intersection at N 8th Ave and E Canal St. In researching the accident history for that intersection there were only 2 in the last 17-18 years. Both of those accidents were fairly recent, 2003 & 2004. Chf Wolfe indicated his agreement that this intersection is one of concern. However he said he does not think this warrants any type of change that should be considered. Both accidents involved motorists traveling on E Canal St and attempting to cross over N 8th Ave. Chf Wolfe has 2 suggestions for the Board to improve this intersection. One would be to restrict turning to the south off E Canal St or place markings on N 8th Ave to alert drivers to the intersection ahead. He said at this time the changes would not need to be immediate but are something for the Board to consider. These are the suggestion he has for the Supervisors at this time to consider.

Suv Hawkins asked Chf Wolfe to confirm that he is saying nothing warrants changing the traffic patterns at all. He indicated agreement with this remark saying not by PADOTS' standards. Suv Brensinger asked Chf if a right turn only sign is something the officers could enforce. Chf Wolfe agreed this could be enforced and explained there is a lack of sight distance, according to PADOT standards. A one-way would create a situation for the residents who live on Canal St. He is against the idea of a one-way street for this area.

C.) Fire Police Application – Richard L. Bare Jr.

The Twp has received an application for a new Fire Police member. Randy Rhodes, chief of the Fire Police has indicted his approval. Srgt Wengert has approved the background check on Richard L. Bare Jr., which is part of the application process. Chf Wolfe is asking the Board to take action on this application. If approved the Twp would then have 16 Fire Police members.

MOTION: Was made and seconded to approve the application of Richard L. Bare Jr. to become a member of the Fire Police for NLT. Unanimously carried.

Suv Brensinger and Suv Hawkins signed the application. It was explained that when Ken Artz returns from vacation he would be asked to sign the application also. At that time Mgr Grumbine would return the application to Chf Wolfe.

D.) "Old Ebenezer Days" – Parade and Fire Police Request

Suv Brensinger informed Chf Wolfe a request for a parade and Fire Police participation have been received by the committee for the "Old Ebenezer Days". September 11, 2004 is the day in question. Chf Wolfe was given a copy of the request and was asked to review the proposed parade route. Suv Hawkins said this issue would be tabled until Ken Artz was present to discuss the request.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine (Read by Suv Hawkins)**A.)Release of Sandra Binner Escrow – 1660 Grace Ave**

An agreement was entered into between the Twp and Sandra Binner of 1660 Grace Ave on March 15, 2004. A new home was constructed, the removal of the old home and the discontinuance of the existing services to the old home were completed. The old mobile home was removed June 14th. An inspection was performed by the Waste Water Dept for the connection of the new homes service. The Board is being asked to authorize the release of the escrow that had been established for this project.

MOTION: Was made and seconded to authorize the release of the escrow funds for Sandra Binner of 1660 Grace Ave. Unanimously carried.

B.)Certificate of Renewal of Workplace Safety Committee

The Twp has received a “Certification Renewal of Workplace Safety Committee” from the Dept of Labor & Industry. The Twp Safety Committee meets once a month to review and discuss any issues regarding safety improvements throughout the Twp and oversees the Safety Manual. They also organize the First Aid and CPR training courses as well as other training seminars throughout the year. Mgr Grumbine would like to commend the Safety Committee for the hard work and dedication in improving the safety for all Twp employees.

Suv Hawkins explained that due to the Safety Committee’s work the Twp receives a 5% discount on the Worker’s Compensation for the Twp. She stated she is pleased about that.

C.)Resolution No. 15-2004 – Disposition of Certain Municipal Records

This Resolution is for the disposition of certain Municipal records according to the Municipal Retention Manual Records Act. Each item for disposal is listed in the Resolution and is in accordance with the schedule. The Board is being asked to approve the disposal of these old records in order to make room for current files. Suv Hawkins read through the list mentioning that most of the items listed are from 1997, 1998, 1999 and some 2000.

MOTION: Was made and seconded to approve Resolution #15-2004 which approves the disposition of certain Municipal Records. Unanimously carried.

D.)Ebenezer Housing Ceremony

The Ebenezer Fire Company is planning a traditional Housing to celebrate the purchase of a 1987 Sutphen TS Aerial Tower. The Housing is planned for June 27 @ 3:00 PM. The Board of Supervisors is invited to attend as a guest speaker and in recognition of the Board’s support of the emergency services grant bill. Attendance should be confirmed to Jerry Burke. Suv Hawkins mentioned she would try to attend as she finds this interesting.

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

Sol Wolf reported that after all this time of thinking that the taxing district would not be effected by this property line determination, we now find out that one property will be effected. The property is a mobile home and is currently being taxed by Bethel Twp. The boundary line changes that have been discussed for months will now mean this residence would be located in and taxed by NLT. The tax amount received is not very significant according to Sol Wolf. He has asked Bethel Twp's Solicitor to discuss arranging a meeting between the two Supervisor Boards to review this problem and resolve it to everybody's satisfaction.

B.) Spruce Park Re-determination – Real Estate Transfer Tax

This item also had been discussed many times in the past few months. The attorney for the former property owner has indicated the funds are place in an escrow. Information was requested from the Twp by that attorney. The information had been submitted and we are now waiting to hear back from the attorney about the funds owing to the Twp. Sol Wolf said he is hopeful this will resolve this issue. If not he would report to the Board on what the next step would be.

7:30 PM Public Hearing Begins

Sol Wolf announced the Public Hearing had been advertised for 7:30PM and would now begin. There are 3 Ordinances up for consideration before the Board this evening. He outlined the procedure that would be followed this evening. Sol Wolf would read a summary of the Ordinance and then beginning in the front of the room and continuing around the room would receive any questions or comments. Remarks should be begun by stating a name and address before any comments are made. After review of each Ordinance the Board would then decide to act upon the Ordinance or table it if there is not agreement between the 2 Board members present this evening. The other reason for tabling would be a request for further information on the subject.

Ordinance No. 1-2004 - Compost Facility

Sol Wolf explained the Ordinance states that the Supervisors would have the authority to establish Rules & Regulations for the operation of the Compost Facility by adopting Resolutions. That could be done for this facility or any other facility that might be created for Twp use. Any amendments of the rules & regulations would be done by Resolution as well as the adoption of fees for the facility. The Ordinance also authorizes issuance of key cards and permits for the use of the facility. The Ordinance authorizes the Board to establish by Resolution the form of application Twp residents would be using and the form of the permit that could be issued.

The Ordinance provides for a penalty for anyone found in violation of the rules & regulations of the facility. If found guilty of a violation of the facility, by a District Magistrate or the court, a person could be subject to a fine of not less than \$100.00 and not more than \$600.00 for each offense. Each day the offense occurs would be counted as a new offense.

Public Hearing – Ord 1-2004 (con't)

In addition the Board of Supervisors may apply to the court to enforce the Ordinance and the rules & regulations when dealing with the residents. The Twp would be able to collect the penalties but also any costs and attorney fees the Twp would have incurred due to taking the issue to the court. When a violation occurs, the first step the Twp will follow is to contact the person to allow them time to correct the problem. Filing against the person would only occur if that person does not correct the problem.

The application form, the fee schedule and the rules & regulations for the facility would be done by adopting a Resolution only after the Supervisors decide whether or not to adopt this Ordinance. Anyone who applies and utilizes the facility would receive a copy of the rules & regulations. Any changes to the rules and regulations would be reported to anyone who holds a permit to the facility. At this time Sol Wolf asked for comments or questions.

Martin Barondik – New St

Mr. Barondik said his comment is that the cards should be given out free to anyone who is a resident and wishes to use the facility. He, personally, does not use the facility but he feels that it is tax money that has paid for the construction of the facility. A person should not be taxed to use the facility. Everyone should be given the card for free, according to Barondik. Sol Wolf explained this is adoption of the Ordinance. The Resolution concerning the fees would be acted on later in the meeting.

The Ordinance was placed on the floor for action by the Supervisors. Suv Hawkins clarified this Ordinance is for the rules & regulations of the facility only.

MOTION: Was made and seconded to adopt Ordinance No. 1-2004 which stated the rules & regulations for the NLT Yard Waste Facility. Unanimously carried.

Ordinance No. 2-2004 - Uniform Construction Code

Sol Wolf said this is a very confusing issue. The State has not yet determined what will be contained in the uniform construction code. However all municipalities must determine how they would be enforcing the code by July 8. The municipalities must determine whether they would do the enforcing in-house, third party or rely on the Dept of Labor & Industry to perform the inspections and enforcement of the state code.

The Twp, along with at least 17 other municipalities in Lebanon County, have discussed this with the County and Lebanon County Planning. They have asked that Lebanon County Planning act as the enforcement for the state wide building code. They already issue and inspect the building permits for NLT and many other local municipalities. This Ordinance would adopt the Pennsylvania Uniform Construction Code and authorizes administration, by contract, through the County with Building Code Official being named as the Lebanon County Planning Dept.

Sol Wolf mentioned the recent press on this subject. He said recently the Legislature is considering some exceptions. Not every single piece of work on every building would be affected.

Public Hearing – Ord 2-2004 (con't)

It is only the new construction, as the older construction is currently under the existing building codes. Last week information about the House adopting a Bill, which would separate the Residential construction from this act. The only types of construction would then be Industrial and Commercial. This Bill still has to be approved by the Senate. Although the Twp does not know the outcome of the Senate's decision, we are still mandated to adopt the State wide building code, in whatever form it ends up being. The Twp will be continually monitoring and examining the code to see what is going to be involved as far as enforcement and administration.

The first step is the adoption of the Statewide Building Code and that is what Ordinance No. 2-2004 contains. The floor is now open for questions and comments.

Martin Barondik – New St

Mr. Barondik remarked that the way Sol Wolf has explained this, the Twp has no choice in this matter. Sol Wolf agreed with this remark. He said if the Supervisors do not adopt this code and Ordinance tonight, we are still under the statewide building code. However we do not have the choice of the administration of the code. The Dept of Labor & Industry would automatically do it. Barondik said so you are asking the Board to act on an Ordinance that you are not even sure is going to say? Sol Wolf explained we have to adopt the code as it is established by the state. If they say we do not include Residential construction, the Twp would automatically eliminate Residential. The question before the Board is, do we choose an agency for administration of the code that would allow us to maintain some control or do we relinquish control altogether? Barondik expressed his dissatisfaction with what he sees as government control over his personal property. Barondik questioned if perhaps the Builders Association has tried to intervene in this government control over personal property. Sol Wolf said he tends to agree with this remark. He thinks the Builders Association has appealed to the government to eliminate Residential construction from this code.

Sol Wolf repeated that by doing this with a local agency, we still have some amount of control. If we allow the state to administer the code we lose all control. Barondik mentioned 30 years ago when Zoning was first introduced. The State shoved that down our throats also, said Barondik. Sol Wolf repeated that if the Board does not act on this Ordinance, the Twp would automatically fall under the States administration of the code.

Suv Brensinger reported that for the last 10 years Lebanon County Planning has been enforcing a code for the Twp, not a state code but a code for new construction and new additions.

Wayne Kauffman – 2101 Heilmandale Rd

Mr. Kauffman had a question about the fees being charged for these inspections. Is this a fee the property owner pays or is it incorporated into the permit? Sol Wolf explained the fees are listed on a fee schedule, which has been provided for the Supervisors' review. The fees are done according to the project that is being completed. This is the method that is being used currently by County right now. Kauffman asked if these fees are fixed.

Public Hearing - Ord 2-2004 (con't)

In other words, would travel expenses be charged to the property owner if the inspector had to travel from one location to another to perform an inspection? Suv Brensinger responded no, all those considerations are figured right into the fee schedule. Sol Wolf read some of the information from the fee schedule as an example. The square footage of the construction is what determines the amount of the inspection fees.

Suv Brensinger said he feels the Builders Association is becoming involved because the issue has become so confusing. In an attempt to make the code universal, they have made it anything but that, said Brensinger. With municipalities opting in, some opting out and others choosing to hire an employee and train the individual to perform this function. He said we are very fortunate in Lebanon County to have Lebanon County Planning perform these services for the Twp. Other areas this is unheard off. We are very unique said Suv Brensinger.

Suv Hawkins said she has a few reservations about this whole code thing. She said when someone buys an older home with the intent to renovate, why should the person have to pay fees and permits to do what would be considered an improvement on something that is already existing.

Sol Wolf stated Ordinance No. 2-2004 is now before the Board for action.

MOTION: Was made and seconded to adopt Ordinance No. 2-2004 which adopts the UCC. Unanimously carried.

Ordinance No. 3-2004 - L.E.R.T.A. Designation

Sol Wolf explained there are representatives from the Lebanon Valley Economic Development Corporation and Valspar Corporation present tonight. They are hoping to develop an Industrial tract south of Tunnel Hill Rd and north of Boscov's Mall. One of the lots has a prospective buyer and is a paint company named Valspar. Valspar is purchasing approximately 20 acres in the Industrial Park. The total acreage for the Industrial Park is about 150 to 160 acres. Part of the process LVEDC has gone through is requesting that the Board of Supervisors of North Lebanon Township designate the 20 acres (Valspar area) ONLY under provisions of Local Economic Revitalization Tax Assistance Act. The Ordinance before the Board tonight, if adopted, will determine this 20 acres to be eligible for this program. It is up to the municipality to first determine if this would be an acceptable inclusion. After that determination, it is then up to the 3 taxing agencies (NLT, Cornwall-Lebanon School District & County) to determine independently and separately whether or not to participate in a program with the purchaser and developer of the 20 acres. These taxing agencies would need to determine, separately, whether or not they would choose to participate, over the next 10 years, in reducing the real estate tax for the 20 acres involved.

The amount of taxes received would be in excess of what is being generated currently as farmland but not as much as it would be if the property is taxed to its full potential. The 3 taxing districts involved would decide independently whether they would choose to participate and to what extent they would participate with Valspar. The purpose of these tax savings is to include the savings in the site improvements and as an incentive for the company to locate here, in Lebanon County.

Public Hearing - Ord 3 – 2004 (con't)

Any of the employees of this company would pay Earned Income Tax and the School District and the Twp would then receive a portion of this tax. Should the Supervisors decide to adopt this Ordinance, it is not an indication of being willing to participate but merely an agreement that this property could be included in this program for consideration.

Bob McNeary – LVEDC

Mr. McNeary said he did not wish to repeat Sol Wolf's statements but would like to give a little background information. The funds would be used to generate capital for the infrastructure of the building itself and as an incentive to have this company locate here. McNeary reported the School District had indicated they would be willing to participate with this program. The County has also indicated this inclination as well. LVEDC has agreed to not form a Tax Increment Financing District for this area. This would be when a 50% relief is sought to place the funds in the infrastructure and building. In this situation it is just the one property, Valspar, which is seeking some relief. The rest of the park would then be 100% taxed. After the 10 years the taxes for Valspar would be 100% again. McNeary pointed out this is being based on new construction, not the existing taxes. The existing tax amount remains at 100% and only the new construction would be seeking tax relief.

Martin Barondik – New St

Mr. Barondik's first question was about the location of the property. Does this property include the cemetery? Do you know about the cemetery? McNeary said it is the cemetery located on the Bowman property and no, it is not on the proposed Business Park property. Barondik then said there is not anyone here that receives a tax break. He challenged McNeary to tell him why he should receive a tax break? Barondik said if he is going to answer it is because he is bringing Industry to the area, don't. He told McNeary he is too late. There is not Industry in Lebanon County. It is all gone! This is now a "bedroom" community. He said the only industry here that paid anything decent, in the last 40 years, was Alcoa and Cleaver Brooks and they were unionized. In Barondik's opinion Industry for the Valley is over. It just will not come here.

Barondik said he couldn't figure out why they wish to place an Industrial Park at this location. Is it to be a warehouse? McNeary answered no it will be manufacturing and warehousing. Barondik continued telling him this is the worst location for getting trucks into and out of . He said the people who live on Tunnel Hill Rd will experience more problems with tractor-trailers getting stuck in their driveways and trying to find their way out. The traffic problems alone will create a nightmare according to Mr. Barondik.

Sol Wolf asked Mr. McNeary if he would like to respond to Barondik's question about the location of this Park. Mr. McNeary explained there is rail service available at this location that is not available elsewhere. He gave a brief history of the Industry that he feels the LVEDC has brought into the Valley within the last 8 years. He mentioned the last 3 big rail users brought into the area. One was Hershey Foods on Eagle Ave, Elk in Myerstown and General Mills in Palmyra. All three are big rail users and that is what this company will be also.

Public Hearing - Ord 3-2004 (con't)

Sol Wolf asked McNeary if he could give an idea of what the pay scales would be. McNeary referred to Jack Crombie of the Valspar Corp.

Jack Crombie – Valspar Corp

Mr.Crombie introduced himself and announced that with benefits the anticipated pay would be approximately \$40,000 a year. It is also anticipated that roughly 69 million dollars in revenue would be generated for the area over a 20-year period. Barondik estimated the pay to be about \$700.00 a week. That means about \$16.00 an hour, correct? He asked if \$16 or \$17 an hour is what the hourly rate is? Mr. Crombie stated that the pay scale is approximately \$13 per hour for start-up, with a full benefit package. Barondik stated that he does not consider that good pay at all and he does not want to hear about starting pay. You people don't want to hear anything about Unions because Unions will get a worker his good wages! said Barondik. Crombie said some of the Valspar plants are unionized, although this particular one would not be Union. Barondik told Crombie he is all for Industry coming to the Valley but then you better be willing to pay some good wages, not \$13.00 an hour. He then told McNeary no matter how many incentives he offers all that Lebanon County is going to get is the "leftovers". Everything goes to the counties surrounding us. They will not be coming to Lebanon County.

The next point Mr. Barondik wanted to make was about the wages the corporate administrators are taking from these companies. We are here talking about giving tax breaks and then where does the extra money go? In someone's pocket was Barondik's response to his own question. That is why he asked who actually owns Valspar. That person is getting the benefits of the tax break.

Barondiks' next question was, how does this classify as a deteriorated area? He was reading information from a newspaper article. Sol Wolf asked the attorney for LVEDC to try to explain. The Attorney explained that if the land is not being utilized to its full potential it could then be determined as a "deteriorated" area. If the land is Zoned for one purpose and is merely being used for another purpose then it is not being used to its full earning potential. This was the case with the Tuck Medical Center on Cornwall Rd. Barondik said so how is this area classified as a deteriorated area? The Attorney said it is classified for the benefit of being a L.E.R.T.A. in that it meets the requirements that it is not being used to meet its full earning capacity as an Industrial zone. If everyone took the position that we don't want any Industry in the area, then you would have the "bedroom" community spoken about earlier. Barondik said he still does not see what is wrong with this land. It is good farmland. There is nothing wrong with it.

Suv Hawkins asked to interject her thoughts. She said she too had entertained similar thoughts about the good farmland being taken away and declared a L.E.R.T.A. area. Suv Hawkins said she has been shown cases in the past where farmland has been developed into industrial areas because it was not being used to the lands best potential. Because it is being farmed, even when the zoning classification is for another use, does not mean it is being used to its max potential. That is why they can classify it as a L.E.R.T.A. area. The full tax base is not being received by being used as farmland if it is zoned for Industrial uses.

Public Hearing Ord 3- 2004 (con't)

McNeary discussed some of the various Industries that have existed and are now non-existent. There have been many decisions made which were later regretted. That is why it is so important now to try to attract some of the Industry back to Lebanon County. He finds this to be very frustrating. He wants to make jobs available in the area so they don't have to travel to other areas for work.

Barondik asked who is financially building these buildings? He was told the owners would be financially building their own buildings. So you are saying they won't be constructing the building, staying 10 years and then leaving the area. Barondik mentioned an article he had read about Comcast and the tax relief they had received. The CEO for Comcast received for last year's pay 31 million two hundred fifteen thousand dollars, tax-free. The father who founded the company, gets even more than junior gets in a year. Barondik said he just wonders who is behind Valspar. This is why he hates Corporate America! You read it in the paper everyday. He finds this sickening. Barondik stated he is not in favor of giving Corporate America any type of break in taxes.

Jack Crombie said he cannot answer for Corporate America but he can say Valspar is excited to come to Lebanon. In speaking to Career Link, Valspar will be very close to the top paying company in Lebanon. Part of the excitement is the revenue that will be brought to the area. Mr. Barondik told Crombie he found his remarks amusing. Mr. Crombie outlined the benefit package that Valspar offers its employees.

Wayne Kauffman – 2101 Heilmandale Rd

Mr. Kauffman remarked he is glad this company is coming here instead of going to China. He prefers to buy American made products. He said his question is to the Twp. There are 2 different areas in NLT, the Business Park and the GLRA proposed expansion that have had traffic studies completed. They have also had meetings with the concerned public. The 2 issues have been treated separately. His question is why are they separated when the traffic will impact the same road, Rte 72? The matter of installing of a traffic light does not answer any of the problems. Lights control traffic. It will not stop traffic. These 2 issues should be looked at as one problem for the north side of Rte 72. Kauffman thinks somebody will have to concede. His opinion is that Valspar is a good thing. It would be creating much needed employment opportunities. The GLRA permit modification needs to be researched in more depth. In his opinion the GLRA does not need the size increase that is being requested. Down sizing the GLRA's request would also help limit the traffic on Rte 72.

Sol Wolf thanked Kauffman for his remarks and asked if anyone else would like to make any comments. He repeated the Supervisors are only making a decision on whether or not the L.E.R.T.A. classification should be permitted. This is ***not*** a decision on any type of tax break by the Twp. The Cornwall-Lebanon School District and the County will also be making their own decision on the tax issue should this area be included as a L.E.R.T.A. area. The Supervisors would have to adopt this Ordinance in order for the County and the school to be able to consider this question. When there did not appear to be any more questions or remarks he placed Ordinance No. 3-2004 on the floor for the Supervisors to take action.

Public Hearing Ord 3-2004 (con't)

Martin Barondik asked to make one more comment on this tax break issue. A couple months ago, if he remembers correctly, there was problem about no money for an additional Policeman. Now here we are thinking about giving this company a tax break. Suv Hawkins warned Barondik he is "putting words into our mouths". She told him this is not anything to do with *giving* a tax break. This Ordinance is about having the area classified a L.E.R.T.A. property in order to allow the County and the school district to make their own determination on any breaks they might decide upon.

The Supervisors ARE NOT making any decision on tax breaks at this time. Each entity would then be able to discuss and make a decision on a tax break, if any, or how much of a tax break. Suv Brensinger then told Barondik that the Supervisors are well aware of the fact that the school will not necessarily be providing services to the Valspar Company. Whereas the Twp will definitely be plowing the roads, providing fire protection, and policing the area. This is to mention just a few of the services. Barondik wanted to clarify that this Ordinance is NOT declaring any tax relief. He was told that is correct. That decision would be made at a later time.

MOTION: Was made and seconded to adopt Ordinance No. 3-2004 which allows the proposed Valspar Lot, located in the NL Business Park to be determined a L.E.R.T.A. area. Unanimously carried.

Barondik asked if there are any plans to do anything with the tunnel located just behind Boscovs. Suv Brensinger replied there are notations on the plan. McNearly stated there are plans to have a signal light placed in the tunnel area to control some of the traffic.

The Public Hearing closed at 8:30 PM.

SOLICITORS REPORT - Sol Frederick Wolf (con't)
C.)Second Amended Supplemental Agreement w/City of Lebanon

This issue is dealing with the sewer from NLT being treated at the Lebanon City treatment plant. The sewer from NLT is conveyed to the treatment plant and the Twp is charged for that treatment. NLT in turn bills the residents whatever the City charges the Twp. Any new users are charged a tapping fee in order to reserve capacity at the treatment plant. A formula was used for several years that established the tapping fee at \$800 per EDU. An EDU is determined according to a schedule the City uses which is established by uses or number of employees. Recently the City has had a survey completed, which will allow them to move forward with a price increase. The increase the City has notified us about is now set at \$1575 per EDU instead of \$800 per EDU. An EDU was previously set at 262.5 gallons of usage. The gallon usage is now set at 220 gallons per day to equal 1 EDU. This proposal is now an addendum that would be attached to the existing agreement the Twp has with the City.

The Twp has a concern about all the EDUs that have already been purchased for some of the developers. With the changes in the formula to determine the EDU, we would like to make sure we are not going to be losing any capacity that has already been purchased. With the re-determination of the gallons, the Twp will continue to monitor the capacity in order to make sure we do not lose any capacity that has been purchased.

Amended Supplemental Agreement w/City (con't)

Sol Wolf is suggesting the agreement with the City be signed, which will allow the Twp to continue the capacity purchases. Until the agreement is signed the City has indicated they would not sell the Twp any additional capacity. He said if anyone should come into the Twp and request capacity, it is possible the City would not sell any to the Twp. Suv Brensinger questioned Sol Wolf if we have any developers or anyone that would be in that situation as of right now? He answered that not right now but shortly we will have. When the Twp first learned of this increase, all the people that had anything in process to come in and take of the applications & payments if they wanted the old rates.

Valspar would be a new plan that does not have any capacity as they are now going through the planning process. All the currently approved developments are taken care of but any individual lots would not have capacity as of now. Suv Hawkins clarified the new rate of \$1575 for 220 gallons. More money for less gallons, correct? Also the established customers are not affected? Sol Wolf confirmed these statements. Sol Wolf then explained the Twp is requesting the calculation form show the previously purchased capacity and the new capacity purchased at the new rate. This would allow us to monitor the capacity purchased at the old rate and we would not be losing any capacity. Suv Hawkins asked if the signing of this agreement would dictate whether or not any more capacity could be purchased. Sol Wolf agreed that would be up to the City's determination.

The Supervisors decided to table this issue until a letter is received from the City in reference to the capacity that has already been reserved and paid for by the Twp.

Arlene Phillipy – 1394 Sholly Ave

Ms Phillipy asked for an update on the progress of the Police study for the merger of Police Departments. Chf Wolfe had spoken to her on his way out of the meeting and had informed her he had completed his portion of the questionnaire and had forwarded it to Cheri Grumbine. He told Phillipy he could not tell her what Cheri had done with the questionnaire after receiving it. Suv Brensinger stated that there was information the Twp Manager had to provide and could not provide. Phillipy asked where the questionnaire is now. Suv Hawkins responded that the information had to be back to the Mayor's office by the 15th of June. If Cheri was told to have it to the Mayor by that date Suv Hawkins is sure Cheri did return it by that date required. Suv Hawkins said the Supervisors have not heard anything new on the issue.

Ms Phillipy reminded Suv Hawkins that they had talked about receiving itemized line item information about the costs of hiring and maintaining a new officer. Suv Hawkins said she had not mentioned it to Chf Wolfe. That information is something he could give her. Phillipy said she would like to have this information. Suv Hawkins stated she would talk to Chf Wolfe about supplying this information.

D.)Appointment of Joint Appeals Board

This Board would be in conjunction with the UCC enforcement process. The Board would consist of people from County and the Twp. This Board would be an appeal option for an individual who was unhappy about a decision from County Planning regarding the new code.

Appointment of Joint Appeals Board (con't)

This is not something that would be completed tonight. More information is needed from County about the qualifications these individuals might require to be a member of the Joint Appeals Board.

E.)Request from Twp Resident to Install Fence in R-O-W – 64 E Brookfield Dr

A Twp resident has requested to be permitted to install a fence in the Twp R-O-W located at 64 E Brookfield Dr. The Supervisors are being asked to determine whether this is something they would permit or not. Previous Supervisors had determined that allowing this to take place often times creates a problem for the Twp when trying to access the area where the R-O-W is located. To date, the Twp has not given permission to anyone for anything to be placed in the R-O-W. However that does not mean the residents have not done this. In this situation the resident has requested permission. Suv Hawkins asked if this particular R-O-W is a grassy area. Suv Brensinger stated yes it is. While discussing some of the particulars Suv Hawkins remarked once you do this for one resident you have set a precedent. Sol Wolf mentioned that when a property changes ownership any agreement the Twp might have with an owner might not passed onto the next owner. Hawkins said she feels they should wait and talk to Ken Artz to see what his ideas on this request are.

F.)Mechanic St Property – Authorization to follow Twp Code for Sale

The Twp had purchased a property on the corner of Mechanic St and Sandhill Rd. Improvements have been made at the intersection and a R-O-W has been established. The Twp currently owns the remaining portion of the property. It has been decided to sell the remaining portion and use the funds for other Twp business. All the work for the intersection project and the surveys have been completed. At this time the Board is being asked to authorize Sol Wolf to begin researching the various methods of selling this land under the Second Class Twp Code. Some of the options would be to advertise and ask for sealed bids or hold public auction. With either of these options the Twp could reject any bids they did not feel were appropriate amounts. The Board could authorize Sol Wolf to gather information on both of these options and then make a decision on the avenue they wished to proceed.

Mr. Barondik asked if there is enough footage remaining to construct any type of home. Suv Brensinger told him any homes would have to be fronting Mechanic St instead of Sandhill Rd. the width facing Sandhill Rd would not meet the requirements but the Mechanic St side would. The Zoning is R2 and multi housing could be constructed, if someone would decide on that option.

MOTION: Was made and seconded to authorize Sol Wolf to do research as to which method of sale would be more advantageous financially for the Twp. Unanimously carried.

G.)Resolution No. 13-2004 - Contracting w Lebanon County Planning for UCC

Sol Wolf explained that the UCC Ordinance has been adopted so an agreement is necessary to designate the enforcement agency. This Resolution would approve the contract between the Twp and Lebanon County, who in turn would appoint Lebanon County Planning as the administrator and enforcement agency for the building code.

Res #13-2004 – Contracting with LCPD UCC (con't)

Suv Hawkins questioned what options the Twp would have if we did not utilize LCPD. Would we have to do code enforcement in house or would the resident hire an outside inspector to complete the required inspections? Sol Wolf answered yes we would have to have somebody at the Twp. The only other option is to allow the state to perform the inspections. This option could result in the residents being forced to wait, if the state was overwhelmed with the workload. He stated the County would be the administrator for 17 or 18 municipalities. Jackson Twp has decided to hire an individual to be trained to administer this code in-house.

Suv Hawkins then asked if LCPD has enough personnel to service all these counties. He has met with Bill Kurtz and Earl Meyer to discuss this issue. They indicated that if necessary they would hire another person. Actually they are already enforcing building codes for these municipalities so they would now be enforcing the uniform code. The only exception is the Commercial and Industrial permits. County planning has been in contact with a “third party” group, which they would be contracting with to perform the Commercial and Industrial. The County will in the future take on the Commercial and Industrial projects when they have the appropriate people to perform the job. Sol Wolf recalled years ago, before the Twp contracted LCPD to administer building codes, there was a person in-house trying to keep up with the demands. With only one person doing the task he quickly got overwhelmed. Suv Brensinger stated that for NLT very little would be changing. The way the building code is written is the only change. The process followed when the inspections are completed will remain the same. The builders that work in the Twp are accustomed to this process. The other municipalities that have not had any codes up to now will be facing the biggest changes.

MOTION: Was made and seconded to adopt Resolution No. 13-2004 contracting with Lebanon County Planning to administer the new building codes. Unanimously carried.

H.) Resolution No. 14-2004 – Establishing Fees / UCC Inspections

This Resolution details the fee schedule from Lebanon County Planning regarding the administration of the new building codes. Also there are enforcement provisions included. Sol Wolf said the fees are very much the same as what is currently in place.

MOTION: Was made and seconded to approve Resolution No. 14-2004 setting fees and charges for the Uniform Construction Code. Unanimously carried.

I.) Resolution No. 16-2004 – Yard Waste Facility Adoption of Rules & Regulations

Resolution No. 16-2004 deals with the Compost Facility and will adopt the rules and regulations for the facility, which could be modified from time to time. The Commercial and Residential applications and the fees are also a part of this Resolution. Any time there is a need for change the Board is able to do so by Resolution without changing the Ordinance.

MOTION: Was made and seconded to adopt Resolution No. 16-2004 with the change of the Saturday hours to be the same as the weekday hours.. Unanimously carried.

COMMENTS FROM BOARD MEMBERS/ TWP MANAGER

There were no comments from the Supervisors this evening other than thanking the Public for their attendance.

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

Respectfully Submitted,

Theresa L. George
Recording Secretary