

MINUTES
NORTH LEBANON TOWNSHIP BOARD OF SUPERVISORS
August 16, 2004

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

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

Also in attendance was: Jim Ryan of the Daily News, Al Winn of the Patriot News, Theresa George, Twp employee, and several 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 7:30 PM. We will begin the Public Comment period but will stop at 7:30 to conduct the Public Hearing after which the Public Comment time will resume.

COMMENTS FROM THE PUBLIC

There were no Comments from the Public this evening.

APPROVAL OF MINUTES

MOTION: Was made and seconded to approve the minutes from August 2, 2004. Unanimously carried.

APPROVAL PAYROLL, PAYMENT OF INVOICES, FUND BALANCES

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

CHIEF OF POLICE REPORT – Kim Wolfe

A.)Calls For Service – July

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

1. Calls for Service totaled 328
2. 45 Criminal arrests
3. 78 Traffic arrests
4. 53 Court dates
5. 35 Follow up investigations
6. 40 Warnings
7. 16 Burglar Alarms
8. 2 Assault or aggravated assault

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- Calls For Service – July (con't)**
9. 12 Domestic situations
 10. 3 DUI arrests
 11. 3 Drug Arrests
 12. 29 Police Assists
 13. 6,724 Miles logged on the cruisers

B.) Old Ebenezer Days Update

Chf Wolfe provided an update on the “Old Ebenezer Days” event scheduled for September 11, 2004. The committee had requested permission to conduct a parade in Ebenezer. This request also involved a request for the use of Fire Police from NL Twp. Randy Rhodes, Fire Police Captain for Ebenezer Fire Co has indicated he would not need to ask for any additional fire police from any outside municipalities. Chf Wolfe explained to the Board that now that this question has been settled, the Board should take action on the request for the Fire Police to participate in this event scheduled for September 11, 2004. This would be considered a non-emergency event, which requires Board approval.

MOTION: Was made and seconded to approve the use of the NLT Fire Police for the “Old Ebenezer Days” event scheduled for September 11, 2004. Unanimously carried.

C.) Cruiser Update

Suv Brensinger questioned the operation of the newly acquired cruiser car. Chf Wolfe reported the car has been operating with no problems.

D.)Police Department Assists

Suv Hawkins said she had a question in regards to the number of Police Assists listed in the monthly report. The number of 29 assists seems higher than usual. Does this number reflect any instances where NL officers might have assisted the Campbelltown area? Chf Wolfe stated that the tornado area did not need any help from NL Police, as they had enough other volunteers. The amount of calls logged was from the normal daily activities.

E.) Letter of Complaint RE: Basketball Hoops

The Board of Supervisors received a letter of concern from a resident who lives in Deerfield North. The letter expresses concern about all the basketball nets or hoops that are placed in the Twp right-of-way, which is located at the side of the roads and the property frontage. The question of children playing basketball in the streets has been discussed before. Chp Artz questioned if the Twp has anything in place to restrict the playing in the streets. Sol Wolf stated he does not recall having an Ordinance against this type of activity. He explained there are some other municipalities that have been addressing this same problem. Sol Wolf said a few years ago the Police Dept had actually brought up this question due to the fact they had been receiving so many questions and complaints.

Chf Wolfe responded by saying that anytime anyone is walking or playing in the streets, the pedestrian has the responsibility to yield to the motorist.

Complaint RE: Basketball Hoops (con't)

The only exception would be the use of crosswalks. Children should be moving out of the way of the vehicles. Sometimes they do it very slowly but they do have to move to the side of the street. He said the Police have received only 2 complaints about this issue. Developments and cul-de-sacs are the areas this occurs most frequently. Chf Wolfe stated the motorists need to travel more slowly and the pedestrians are responsible for moving out of the streets for the passing of the motorists.

Chp Artz asked if the Twp could be held liable due to the fact there is not an Ordinance prohibiting playing in the streets. Chf Wolfe responded by saying the Twp does not have an Ordinance restricting the placement of basketball hoops on the street side. He said he is not sure if the Supervisors want to "cross that bridge". Chp Artz stated he felt the Supervisors would really be "frowned upon" for doing something of that nature. It is the Chf's opinion that if someone has a driveway there is no reason for the children to play in the streets. The unfortunate thing is that now there are portable hoops, which allow "full court" games to be played.

Suv Brensinger said he thinks South Lebanon Twp has enacted an Ordinance restricting this type of game playing in the streets. Another problem with prohibiting basketball hoops is the question of what the next game will be. Will it be street hockey or football? If everybody obeys the rule of moving out of the street when traffic approaches, there will not be a problem.

Martin Barondik asked about the contents of the letter received. Was the person "for" or "against" the hoops? Suv Brensinger said the person is concerned about the increasing number of street side hoops. What area? Mgr Grumbine replied the person lives in Deerfield North. Chp Artz mentioned the Newsletter that the Twp distributes. Is it too late to add an article, from the Police Dept, as a reminder to the people? Mgr Grumbine said the newsletter is ready to go to the printers. Suv Brensinger stated that the spring issue could contain an article from the Police Dept.

Barondik asked if the Deerfield North kids are not able to get themselves to the Long Lane fields to play their games. On the other hand, he said, they are kids. Let them be kids while they can. Suv Hawkins asked Chf Wolfe if he is aware of any injuries received as a result of this type of activity. He replied he is not aware of any injuries. Suv Brensinger agreed with some of Barondik's remarks. Kids ride their bikes in the street also. It takes cooperation from both the motorist and the kids. Chf Wolfe remarked if the cooperation were there between the two, there would not be a problem. The Board decided not to take any action at this time.

F.)George Hardick - Mt Zion Rd Property Clean Up

Sol Wolf told the Board that he and Chf Wolfe would be meeting with George Hardick this week to discuss the progress of the property clean up. The building project and the clean up progress need to be verified. Sol Wolf confirmed with Chf Wolfe his availability to meet this week. Chf Wolfe told Sol Wolf he would be available on Wednesday or Friday to meet. Sol Wolf stated he would contact him to coordinate the meeting.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine**A.)Schedule Special Joint Meeting – Board of Supervisors & Planning Commission for NL Business Park Review**

Mgr Grumbine is seeking approval from the Supervisors to advertise a special joint meeting between the Supervisors and the NL Planning Commission. The proposed meeting would be held next Tuesday, 8-24-04 @ 1:00 PM. Review of the NL Business park, Valspar and possibly the Carpenter’s Center will be done jointly. Mgr Grumbine told the Board the Business Park is a “hot issue” right now and has been the “eye” of the Governor’s Action Team and the County Commissioners in regards to getting Valspar to come into the County. A meeting is scheduled for tomorrow to discuss everybody’s progress. After this meeting she would then know if everything would be ready for the August 24 meeting. Mgr Grumbine explained the Carpenters Center is being reviewed also due to the fact that the review has “suffered” due to the Business Park plan. Mgr Grumbine and Sol Wolf would discuss the advertisement for the special joint meeting.

Martin Barondik questioned why meet in the afternoon when almost all the citizens are at work? Mgr Grumbine said that was the time and the day when everyone involved could schedule. He said he did not like that. He wanted to know why it couldn’t be scheduled for an evening. Barondik said this is a very important meeting and the citizens deserve to be here for this meeting. Mgr Grumbine told Barondik the office receives comments from citizens who work evenings and cannot attend meetings in the evening. Barondik disagreed saying the majority of people work during the daytime.

Suv Hawkins asked if this is enough notice? Sol Wolf said a 3-day notice is what is required. Sol Wolf said he would like to discuss some of the planning process involved when plans are submitted. When plans are submitted to the office, the engineer sends notification to the surrounding property owners. The plan is available for review by anyone who wishes to see it at the Twp office. With the Business Park plan the Planning Comm had a presentation given by the Valspar people. Many of the neighboring residents had attended. During the last Pl Comm meeting only 1 person had attended pertaining to the Valspar plan. Mgr Grumbine explained that during the last Planning Comm meeting this special joint meeting had been discussed. Anyone who had been in attendance is aware of the special meeting and the time.

Barondik mentioned the tax break that Valspar had requested. Sol Wolf said that the Supervisors at a previous meeting had acted upon issue. Barondik then asked if anything would be changing in regards to the tax break request from Valspar. Sol Wolf said no, the school district and the County had granted the tax exemption but the Twp did not. Since that time the Lebanon County planning Dept and the NL Planning Comm have been reviewing the plans with all the revisions and corrections. All groups involved in this process have stressed repeatedly to the engineers and developers that the concerns of the residents be addressed when completing the plans. Barondik said he would try to be here for this meeting.

MOTION: Was made and seconded to direct the Twp Manger and Solicitor to advertise a special joint meeting, between the NL planning Commission and the Supervisors, to be held on Tuesday 8-24-04 @ 1:00 PM here at the Twp Building for the purpose of reviewing the NL Business Park, Valspar and Carpenters Center plans, should everything be ready for presentation at that time. Unanimously carried.

B.)GLRA Invitation – Cook Out & Tour of Facilities

GLRA has issued an invitation to attend a cook out and tour of the facilities on Tuesday, 9-7-04. This is also the evening of the regularly scheduled Twp meeting, due to the holiday on Monday, 9-06-04.

C.) Notification from West Lebanon Twp – Seeking Pennvest Funding

A notification was received, by the Twp, in regards to West Lebanon Twp seeking Pennvest funding. A letter of acknowledgment from NLT is being requested. Mgr Grumbine explained this is required when seeking funding. Suv Hawkins asked why it is required. Suv Brensinger responded because we are a neighboring township and the funding is being sought in regards to their water supply. There are some of West Lebanon water facilities located within our Twp.

D.) Zimmerman -Park & Rec Payment/ Agreement

Mgr Grumbine explained Leon Zimmerman has now paid the “Fees in Lieu of” and signed the Park & Rec agreement for the subdivision plan he is processing on Oak& Maple Lanes. She is asking the Board of Supervisors to take action on this agreement and payment of the “fees in Lieu Of” for Leon Zimmerman’s 3 new lots. Suv Brensinger clarified the payment and agreement is for the 3 new lots being created, not the existing dwelling that is there already. Mgr Grumbine confirmed this statement. Chp Artz questioned if the existing home will remain. Mgr Grumbine replied it is her understanding the existing home will be torn down.

MOTION: Was made and seconded to enter into a Park & Recreation agreement with Leon Zimmerman for the 3 lot subdivision located on Maple & Oak Lanes. Unanimously carried.

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

This issue has been on the agenda for a long time. Since the last meeting the Board has been working on trying to resolve some of the outstanding issues with this item. It seems that we are now ready to address the issues with Bethel Twp reported Sol Wolf. A joint meeting with Bethel Twp is now needed in order to review everything to their satisfaction.

B.)Spruce Park Redetermination – Real Estate Transfer

The original date when this property was transferred was dated in 2001. The deed was recorded and the transfer stamps that were paid. It was determined that 1% of the property value should be paid to the state (\$8,000) and 1 % should be paid to the Twp & School district, combined. At the time of the states determination the property owner paid the state the \$8,000 owed but did not pay what was owing to the Twp and school district. The Recorder of Deeds Office usually will not accept a new deed until the old transfer stamps are paid. A letter from the Recorder of Deeds was received indicating the title company that held the settlement had the money in an escrow fund and would be paying it.

Spruce Park Redetermination (con't)

The Recorder of Deeds Office proceeded to accept the new deed without the payment of the transfer stamps. The escrow fund was never released and the amount was not paid to the Twp. Now the Twp is entitled to the original \$4,000 plus costs and collect interest from 2001 up until the date this is paid. The Twp Ordinance allows a 5% penalty that can also be collected on the amount that is due for every month on the amount unpaid until it equals 50% of the amount due. The amount that the Twp could collect up to this point is \$5000. If it is determined that fraud was used in reporting the amount, another \$4000 could be collected by the Twp.

The Board has been waiting to take action until the school Board had made a decision as to whether or not to pursue this issue with the Twp. Sol Wolf made contact with the school's attorney who reported the school board has decided to join the Twp and pursue collection on these amounts. The Twp and the school district will, jointly, file papers to place a lien against this property. Also filing for collection will be completed against the former owner of the property, the title insurance company and the current owner of Spruce Park.

Public Hearing Began @ 7:30 PM

Sol Wolf explained this Public Hearing was scheduled to take public comments and questions on Ordinance No. 4-2004. This Ordinance is regarding the state wide building code that has recently been enacted. The Twp has discussed several issues pertaining to the adoption of the Unified Construction Code. The Twp has adopted the code and authorized, with the County of Lebanon, for the services of Lebanon County Planning to administer the state code for NL Twp. Lebanon County Planning currently issues our building permits and is our Zoning enforcement officer under our Zoning Ordinance. At this point in time the Twp needs to proceed with the designation of an Appeals Board. The purpose of this Appeals Board would be to hear any appeals somebody might have in regards to a decision made by County Planning in regards to the new UCC. The process would allow this individual to make an appeal to a decision made by the inspector. A hearing would be conducted before the Joint Appeals Board.

Lebanon County Planning will be administering this for 18 different municipalities. LCPD has asked all municipalities to enact an Ordinance, which would authorize entering into an inter-municipal agreement with the County and all participating municipalities for purpose of establishing a Joint Appeals Board. Ordinance No. 4-2004 is completing this request. It lists all the municipalities participating. In the future if there is dissatisfaction with having LCPD doing the building code or not happy with the Appeals Board, this particular agreement is effective until 12-01-2005. At which time this agreement would begin renewing, on a one-year basis, annually after December 31 of each year. All participating municipalities have the right to withdraw from the inter-municipal agreement by giving a 60-day prior notice.

The members of this Joint Appeals Board will be selected at a later date. All the municipalities will be asked to approve the proposed members. Lebanon County Planning will be selecting the individuals for this Board. County Planning has indicated the Board will contain 3 members with 2 alternate members. The idea is to locate someone with experience with construction and the building codes.

Public Hearing (con't)

This 5-member Board would service all 18 municipalities. This hearing tonight is in regards to entering into the inter-municipal agreement for the Appeals Board.

Sol Wolf at this time asked the Public for any questions or comments.

Suv Brensinger told Sol Wolf that he had mentioned 18 municipalities but he counted a total of 19 municipalities. Sol Wolf said the City of Lebanon, although they do all their own code enforcement, have opted to be included in the Joint Appeals process.

Cindy Keim

Ms Keim told the Board that she and her husband had recently gone to County Planning to get a permit for an above ground pool. She said there was so much confusion in the Planning department. No one was sure of what needed to be done to prepare for this pool installation. At some point one of the people at County told the Keim's to contact NL Twp. When she called the Twp office, she had been told that Lebanon County Planning is responsible for this information. The whole process was very confusing. Sol Wolf said part of the confusion comes from legislation exempting more and more items and the fact that LCPD has had to hire some new people. He asked for the Keim's phone number in order to contact them after he has the opportunity to speak to someone at County.

Chp Artz questioned the fees associated with the Appeals Board. Sol Wolf stated he thought that was included in the fee schedule submitted by Leb Co Planning and had been previously approved by the Board. In a situation that the Appeals Board meets, Lebanon County Planning will collect any and all fees involved. Part of the problem Earl Meyer had when establishing the fee schedule was the consideration of any compensation that the members would receive for serving on this Appeals Board. In some situations there will not be an actual hearing held. Some of the appeals would be in a written form.

Suv Hawkins asked Sol Wolf if he knows how County would be selecting the members for this Board. Will a list of the possible members be submitted to the Supervisors for review and then make a choice? Sol Wolf said he had spoken to Earl Meyer about the selection process. Earl had indicated that he would like to choose some knowledgeable people from the community to serve on this Board. There would also be 1 or 2 people to serve, as back up in the event there might be a conflict of interest. Suv Hawkins then questioned the length of time the people would be serving on the Board. If someone is not working out in this capacity how are they to be removed? Sol Wolf told Suv Hawkins there are many different options available and have yet to be determined.

After action tonight, if approved, the names, when available, would be given to the Board for their approval. Also to ensure that enough fees are being collected to allow for compensation. After all items are reviewed and approved a Resolution would have to be adopted to appoint these individuals. Martin Barondik said he felt it might be very difficult to get approval from all 19 municipalities to appoint 5 individuals.

Public Hearing (con't)

Sol Wolf agreed that Earl Meyer does have his "work cut out for him". Chp Artz told his fellow Board members they have Ordinance No. 4-2004 before them. The Public Hearing has been held and now they must make a decision.

There being no more comments from the Public, Sol Wolf asked the to consider adopting Ord. 4-2004.

MOTION: Was made and seconded to adopt ordinance No. 4-2004 pertaining to the Twp entering into an inter-municipal agreement. Unanimously carried.

C.)Mechanic St Property – Method of Sale

The Twp has been preparing to place the property on Mechanic St for sale. A legal property description with the R-O-W information has now been received from the Engineer. The Board had approved Sol Wolf approaching Nelson Ebersole for his appraisal of the legal description and his recommended method of selling the property. A concern was received from a resident about someone buying the property and placing more than 1 mobile home on the property. Sol Wolf advised the Board that if there are to be restrictions on the use, the restrictions should be listed right on the offer for sale. The restriction would then be carried over onto the deed and would be a part of the deed forever.

Suv Brensinger asked if R-2 zoning permits mobile home parks. Sol Wolf stated R-2 zoning does permit mobile home parks but he does not think this lot would qualify as a mobile home park. The lot size would determine how many mobile homes could be placed on it. Suv Hawkins then questioned the Twp restricting 1 mobile home being placed on the lot. Sol Wolf responded the Twp, as the owner, could restrict the use. Zoning could not be relied upon to restrict the use of the property. Martin Barondik remarked this seems like discrimination against Mobile Home Parks. Sol Wolf disagreed saying the Twp already has 7 mobile home parks and one park has over 200 mobile homes in it. There is no way it can be said that mobile home parks are discriminated against in NLT. Sol Wolf told the Board this was for informational purposes only.

D.)Code Enforcement Issues

Sol Wolf said he wished to inform the Board about 2 different categories of code enforcement work that Bonnie has been working on. One is the diligent work she has been doing as far as cleaning up properties. A real problem she is dealing with is within a Mobile Home Park. Part of the problem in this situation is that the owner owns the land in the park and rents the land to individuals to place their mobile homes on. In one of these parks there is an individual that is storing a lot of, what we would consider, "junk" outside the home. Bonnie had sent notice to both the mobile home and the owner of the park. It now appears the home has been abandoned. Information from the sewer department has been received that there are 6 mobile homes that have been disconnected from sewer. These mobile homes are all located in the same park. Sol Wolf said he wanted the Supervisors to be informed in the event that they are contacted by someone regarding the condition of these mobile homes.

Code Enforcement Issues (con't)

Sol Wolf and Mgr Grumbine had dealt with a similar problem a few years ago. People abandon the units, which are not financially worth anything. Another situation is when people move out and leave all their "junk" at the home. Many times there are delinquent taxes owed on the mobile homes.

The County Treasurer does not want to waste their time trying to collect \$12 or \$15 on a tax sale. Chp Artz asked what mobile park is being talked about. Suv Brensinger responded he would think it is Ridgeway Mobile Home Park. Sol Wolf said the last time they dealt with this situation it took a long time and a lot of work but eventually they did get cooperation from the owner of the park.

Suv Brensinger said the problem is not only with Mobile Home Parks. There are several homes and properties that are just abandoned, such as the one on Kochenderfer Rd. That is the second issue that Bonnie has been working on more and more. Situations where the home is either abandoned or the home is just given up to bankruptcy proceedings. The homeowners just leave all their "junk" behind in the yard. The grass is not maintained anymore. The mortgage companies are forced to foreclose on the properties to get their money out of the property. Bankruptcy limits the Twp as to how they are able to proceed legally with some of these issues. An example of this is the Barshinger property, located at 1134 Kochenderfer Rd. This property has been in legal "limbo" for almost 2 years. In these situations there is very little Bonnie is able to do as far as code enforcement. Only after a foreclosure is completed and the financial institution buys the property back, is the Twp able to work with the new owner to bring the property back into compliance with Twp Ordinances. Any liens that the Twp places against the properties in these situations cannot be recovered until the foreclosure process is completed and the financial institutions purchase the properties back during the foreclosure process. Sol Wolf repeated this was brought before the Supervisors to keep them informed as to how diligently Bonnie has been trying to resolve these situations. Sometimes her "hands are tied" as to how quickly the problems are able to be resolved.

COMMENTS FROM BOARD MEMBERS/ TWP MANAGER

There were no comments from the Board members this evening.

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

Respectfully Submitted,

Theresa L. George
Recording Secretary