

**MINUTES
NORTH LEBANON TOWNSHIP BOARD OF SUPERVISORS
SEPTEMBER 20, 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, Attorney George Christianson, Theresa George, Twp employee, and at least 8 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 regarding some Ordinance Updates. A second Public Hearing is scheduled for 7:45 PM regarding a Liquor License Transfer for the A&M Pizza Restaurant located at 1705 East Cumberland St. We will begin the Public Comment period but will stop at 7:30 to conduct the Public Hearing. The regular scheduled meeting will resume at the close of the Public Hearing.

COMMENTS FROM THE PUBLIC

A.)Robert Sr, & Sandra Graham – 725 Narrows Drive

Mr. Graham started his comments to the Board by explaining that they had experienced a fire at their residence in 1998. The restoration completed at that time was not done in a proper manner. The residence at this time has been declared not habitable due to the mold and soot levels present in the home. Their Insurance Company has informed Mrs. Graham to stop trying to clean the house as it will need to be gutted and complete renovations started over. The entire inside of the house will have to be redone. The Grahams are requesting permission from the Supervisors to place a temporary living quarters on the property. They would reside in these quarters until the renovations to their home are completed.

The type of quarters they are considering is some type of “fifth wheel” camper or perhaps a mobile home. Mr. Graham told the Board it is only he and his wife so they are not in need of a large facility, which is why they are considering a “fifth wheel” type of arrangement for living quarters. The Insurance Company has estimated it would be a 3-6 month time frame from start to finish for the renovations. He continued on to say that when completed it would be a 2004 home inside a 30-year old frame. A contract has been signed with a firm from York, PA called Exact Restorations. Within approximately 2 weeks this firm will have contacted and received permits from Lebanon County Planning.

Graham – 725 Narrows Drive (cont'd)

Suv Hawkins questioned the timing of the project. Will this be worked on in the wintertime? Graham agreed it would be done in a timely fashion including the winter months. Sol Wolf questioned if the trailer would be placed on the property the work is being completed on. Graham confirmed this is where they would be living in the trailer. The trailer would be connected into the existing public sewer/water facilities. Mr. Graham stated he has already spoken to the sewer people and they have explained where he will need to connect and where the breather pipes is located. Sol Wolf asked if a picture and the dimensions of the camper or trailer could be provided to the Twp. The Grahams said once they decide exactly what they are placing on the property they would be able to provide a picture.

The Grahams explained they had been involved in discussions with a company that they thought they would be dealing with but when it came down to the details, Mr. Graham said he did not like the business dealings of this company. They are in negotiations with this new company and would be making their definite decisions within the next 2 weeks. Suv Artz explained there are legal documents, which would have to be drafted between the Grahams and the Twp. Would the Grahams be willing to absorb the costs of these legal documents? Mr. Graham indicated this would not be a problem for them. Sol Wolf stated it would probably be about \$75 for the documents, \$4 for notary services and \$25 for a recording fee. Graham said he is not concerned about these costs.

Sol Wolf confirmed the time frame of 6 months. Are you sure this is enough time? Graham said this would be a more than enough time. He told the Board that he has told the restoration company that he intends to have an electrician update all wiring to the 2004 codes. Also all plumbing will be updated. When Sol Wolf joked about being in their “new” home by Christmas, Mr. Graham stated he has already told his son they would probably be having Christmas at his home, in Lewisburg, this year.

Mr. Graham said he would like to address another situation with the Board. It has to do with the new home constructed by Tri Valley on Narrow Dr, which is located beside his home. When the new house was constructed the ground level of the natural swale was raised. What is happening now is water run-off from the properties, to the north of him, is flowing across the Twp property located there and stops at his property due to the level being raised. He told the Supervisors he does not know if they are able to do something about this but he wanted to make sure they were aware of this water run-off. The information about the natural swale is noted on the deeds to the property.

Suv Brensinger said he can “shed some light” on this issue. When Tri Valley built the driveway to this home they had asked about placing a pipe in the swale. As the Twp Roadmaster, Brensinger told them the Twp’s concern is that the pipe installed be of adequate size to handle the flow. Graham said it is certainly doing that. Brensinger said he had seen the results this summer after a particularly heavy rainstorm. He has seen it again after Saturday’s storm. County Planning, the Twp and Tri Valley are all aware of the problem. We are all trying to determine what size pipe needs to be added to address the problem. Mrs. Graham said she does not think the size of the pipe is the problem. The problem seems to be that the pipe had been raised too high. Sol Wolf asked Mr. Graham for his phone number. Mr. Graham told Sol Wolf the deed to the property is listed under his name only.

Graham – 725 Narrows Drive (cont'd)

Chp Artz asked if there were any more questions regarding the temporary living quarters that had been discussed. There were no more questions.

MOTION: Was made and seconded to approve the Graham's request for temporary living quarters. All legal documents and expenses would be the Grahams responsibility. Unanimously carried.

Suv Brensinger told the Grahams that Sol Wolf would be in contact with them about the documents. Sol Wolf asked what the approximate time would be for the installation of the temporary living quarters. Graham responded within the next 2 weeks.

APPROVAL OF MINUTES

MOTION: Was made and seconded to approve the minutes from August 24, 2004 and September 7, 2004. Unanimously carried.

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 August:

1. Calls for Service totaled 277
2. 33 Criminal arrests
3. 76 Traffic arrests
4. 20 Court dates
5. 31 Follow up investigations
6. 38 Warnings
7. 14 Burglar Alarms
8. 2 Assault or aggravated assault
9. 8 Domestic situations
10. 2 DUI arrests
11. 2 Drug Arrests
12. 8 Police Assists
13. 7,066 Miles logged on the cruisers

B.)Tobacco Compliance Checks

Chf Wolfe told the Board he has received information from the Lebanon County Commission on Drug & Alcohol about the grant funding for the Tobacco Compliance Checks. The Police Dept had participated in this activity previously and is now asking the Board's permission to complete the paperwork in order to receive the funding to participate again. Currently there are 13 outlets in the Twp for cigarette purchasing. The timeframe for this program is from July 1 through June 30 of the following year.

Tobacco Compliance Checks (cont'd)

A total of 39 tobacco checks would need to be completed by NLT Police to be in compliance with the programs guidelines. Chf Wolfe stated there has never been a problem reaching that goal in the past. The Board is being asked if they would like the Police Dept to participate in this Tobacco program again this year.

Chp Artz looked to his fellow Board members for their thoughts. Suv Hawkins stated she thinks it is a good idea to participate in these tobacco check points. It keeps the people who are selling tobacco products honest she said.

MOTION: Was made and seconded to approve the NLT Police Dept participating in the Tobacco Compliance Program. Unanimously carried.

C.)George Hardick Clean Up – Mt Zion Rd

Chf Wolfe said he will look to Sol Wolf to give an update on the Hardick clean up as they have been working on this issue together. Sol Wolf refreshed the Board's memory on the history of this issue. During the Court Hearing held in March of 2004, it was determined that Hardick should obtain a building permit to construct a building to house any of the items he wished to maintain. This building was to have a June 30th deadline and this deadline has come and gone. The building has not even been started as of yet. Sol Wolf reported there has been some very slow progress made in the elimination of some of the tires and other small items on his property.

Sol Wolf at this point is asking the Board for direction to go back to the courts for enforcement of the original court order. Hardick will then have to answer the court's questions and the court will make a determination on enforcing the court order. Suv Hawkins asked why the Twp does not just give him a junkyard license and get it over with. Suv Brensinger informed Suv Hawkins that Hardick does not meet the criteria established for a junkyard. This is how the whole issue started. When it was time to renew the junkyard license, Hardick did not meet the standards listed in the Ordinance for a junkyard. Hardick's health issues are the only reason the Board has not moved out on this issue, stated Chp Artz. But the clean up is not progressing and the health issues remain ongoing.

MOTION: Was made and seconded to authorize Sol Wolf taking this issue back to the courts for enforcement. Unanimously carried.

D.)D.A.R.E. Funding for 2004

The D.A.R.E. program is something the Police Dept has been involved with by teaching the program at the 5th grade level in the Ebenezer Elementary and Union Canal Elementary Schools since 1996. The program involves certain "products" used for education of the program. A good portion of the funding is used to pay for these products. The PA Commission on Crime & Delinquency will not be able to fund the full program this year. There is less money available and what is available is being distributed to several more groups asking for funding. Fortunately, there were several local businesses that have contributed to the program. It appears this program, for this school year, will survive the funding cuts.

Suv Hawkins asked if the funding covers both the wages of the 2 Police officers and the cost of the items used to teach this course?

D.A.R.E. Funding for 2004 (cont'd)

Chf Wolfe asked if she was referring to the funds received from the State? He said that money is provided for the products to teach the curriculum. She then asked if the funds from the local businesses and the funding from the State is enough to cover all expenses for this year? Chf Wolfe replied, yes it is enough. Chp Artz said he is very happy that the Police Dept has taken the responsibility to seek funds from outside sources in order to continue the program.

Suv Brensinger said he would like to comment on how much the Board does appreciate the effort the Police Dept has made on behalf of the D.A.R.E. program and seeking avenues to keep it going despite revenue cut backs. He said he has children who have completed the program and feels it is a valuable program. He wishes the school would place as much value on this program and some of the organizations would take it upon themselves to financially support this program. Chf Wolfe stated that this year, for the first time, the Falcon Foundation has contributed to the program.

E.)Trick or Treat Night in Twp

Chf Wolfe reported that Halloween this year is actually on a weekend. The County Police Chiefs have met and discussed having Trick or Treat night be set as Thursday October 28 from 6 PM to 8 PM. Chf Wolfe is asking the Board to establish this date for Trick or Treat activities for NL Twp also.

MOTION: Was made and seconded to approve Trick or Treat night being observed on Thursday October 28, 2004 between the hours of 6 PM and 8 PM. Unanimously carried.

******* PUBLIC HEARING STARTED AT 7:30 PM *******

Ordinance No. 5-2004

At this time Sol Wolf told the public this Public Hearing had been advertised in accordance with the requirements. The purpose of the Hearing is to review amendments to the Codified Ordinances of the Twp. The contents of the Ordinance will be discussed and comments or questions from the Public will be taken. Sol Wolf will review the contents of the Ordinance and then accept comments from the Public. Before speaking he instructed the individuals who wish to speak to raise their hand, be recognized, state name and address then address their comment or questions. After the Public Hearing has been conducted the Board will then take action of the Ordinance.

Sol Wolf explained the changes being reviewed tonight have been controlled by State requirements. The first issue is the subject of burning and what is permitted and what is not permitted. DEP has required that the Twp clarify some of the items, which will not be permitted to burn within the Twp's burning Ordinance. Items such as leaf waste, yard waste, building materials and any recyclable materials are being added to the current list of unacceptable burning articles.

The second issue is in regards to Fire Companies involved with controlled burning. DEP is requiring these Fire Companies to obtain a burning permit from DEP PRIOR to their burn activities.

Ordinance No. 5-2004 (cont'd)

The third issue involves any individuals involved in burning and clearing of land. Before this activity takes place the Bureau of Air Quality of the Dept of Environmental Protection must be notified.

The final issue being addressed in this Ordinance update is a new section. It is mandated by the state and deals with controlling what goes into the storm water system. The Twp is required to have regulations in place to ensure the control of these items going into the system. These systems eventually drain into water systems or streams that are controlled by DEP. The Ordinance lists items that are permitted and not permitted for discharging into the systems. The Ordinance also states the penalties for anyone violating the Ordinance. Some of these penalties range from \$100 to \$300, per day, for any non-compliance.

Sol Wolf reported that when the advertisement of this Ordinance was done, it was indicated that a copy of the Ordinance was available for inspection by the Public. The Ordinance has been posted in the Twp office for at least 2 weeks. At this point the floor was opened for questions or comments.

Paul Schwab – Hunters Chase Lane

Mr. Schwab asked about the farmers and how this burning Ordinance affects them. Sol Wolf responded the farmers are exempt. However when they are clearing land or grubbing they would be expected to notify the Bureau of Air Quality Management.

Sol Wolf asked if there were any more comments and announced the Public Hearing is now closed when there were not any. The Board is being asked to take action on Ordinance 5-2004.

Suv Brensinger mentioned the list of discharges into storm water mentioned in the Ordinance, is a list of acceptable items. Sol Wolf reviewed the list again and confirmed these are acceptable items. Suv Hawkins asked for confirmation that the only change to the recycling and burning portion of the Ordinance is the wording about leaf waste, yard waste and other recyclable materials will not be permitted for burning. Sol Wolf confirmed her comment. Mgr Grumbine pointed out 2 corrections on wording in the Ordinance that should be made.

MOTION: Was made and seconded to adopt Ordinance No. 5-2004, noting the corrections to the wording in the Ordinance. Unanimously carried.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine**A.) Leon Zimmerman Subdivision Plan**

Located: Oak & Maple Lanes

Mgr Grumbine presented the Leon Zimmerman Subdivision Plan, which creates 4 lots. The area is the area that housed the water tower for the original development while work was being completed in the development. A letter from County Planning was received recommending approval of the plan. The NL Planning Commission had recommended approval of the plan at their meeting last Monday. Chp Artz questioned if there is an existing house on this lot. Mgr Grumbine explained the house will be demolished and then there will be 4 building lots.

Zimmerman Subdivision Plan (cont'd)

Some conversation followed about the wells that had fed the original water tower previously on this property. Mgr Grumbine stated she is not sure where the wells would have been located. Chp Artz stated his concern about whether or not the wells were properly capped. Mgr Grumbine said she could contact Zimmerman and get certification that the original wells were indeed capped and have a note placed on the plan itself. Suv Brensinger asked about the Park & Rec agreement. Mgr Grumbine said that has all been completed.

MOTION: Was made and seconded to approve the Leon Zimmerman Subdivision Plan located on Maple and Oak Lanes. A notation about the wells is to be placed on the subdivision plan. Unanimously carried.

******* Public Hearing Began @ 7:45 PM*******

Liquor License Transfer

Sol Wolf explained this is a Public Hearing about transferring a Liquor License, owned by Shanghai Restaurant, to the A & M Pizza Restaurant located in NLT. Currently the license is held in South Lebanon Twp. and the prospective purchasers are located across the street in North Lebanon Township. A & M Restaurant is located at 1705 East Cumberland Street. The advertisement for this Public Hearing is a requirement by the PA Liquor Control Board. They will only act on the application after the Township has held a Public Hearing to gain any input that the Public might have in regards to this request. Sol Wolf told the Public the floor would now be open for any comments or questions. He asked Attorney Christianson if he wished to add any comments.

Attorney Christianson stated he did not wish to add any comments however he had a few questions for Mr. Amato of the A& M Restaurant.

Q: Please state full name.

A: Salvatore Amato

Q: Do you and your brothers operate A & M Pizza Restaurant in North Lebanon Township?

A: That's right.

Q: You have been in NLT, at that Restaurant for how approximately long?

A: 20 months.

Q: You are requesting to transfer the Liquor License because you have made an agreement to purchase the License?

A: Yes

Q: You would not anticipate any interior changes to your restaurant as a result of the transfer of the license?

A: No

Q: You also have a Liquor License at another of your restaurants, located at the Cornwall and Quentin Road intersection?

A: Yes, that is correct.

Q: Have you had any problems since you have had that license?

A: No, no problems.

Q: How long have you been in business in Lebanon County?

A: 24 years.

Liquor License Transfer (cont'd)

Attorney Christianson said he had no further questions for Mr. Amato. He told the Board he has prepared a Resolution and has a check for \$750 to present to Sol Wolf. The Resolution he has prepared is within the requirements of the Liquor Control Board. If the Board or the Public has any questions for Mr. Amato they may ask him at this time.

Sol Wolf said the Resolution is in conformity with the Liquor Control Board. The Board is now asked to indicate whether or not they feel this License should be transferred from SL Twp to NL Twp and will not adversely affect the health, welfare or morals of NLT residents. Mgr Grumbine questioned Attorney Christianson about the wording in the Resolution. It mentions the License being transferred from the City of Lebanon to NL Twp. Should that read from SL Twp to NL Twp? Christianson agreed with Mgr Grumbine and apologized for the error. Mgr Grumbine suggested that Mr. Christianson e-mail the corrected page to the Twp office, which he agreed to do.

Suv Hawkins said she had one question for Mr. Amato. The amounts of liquor sold would not be in bulk, would it? Are we talking about someone having a beer with a pizza or are we talking about being able to purchase a whole case of beer? Mr. Amato replied it would be small amounts. To sell cases is a different type of license.

Sol Wolf said with the correction Cheri mentioned, the Resolution number would be No. 26-2004.

MOTION: Was made and seconded to adopt Resolution No. 26-2004 approving the transfer of a Liquor License from SL Twp to NL Twp. Unanimously carried.

Attorney Christianson thanked the Board for their time.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine (cont'd)**B.)5-Year Winter Maintenance Agreement with PADOT**

The Board had decided to table action on the 5-year winter maintenance agreement with PADOT. Some research has been completed since the 9-07-04 meeting. An increase of 16% in our salt costs and an increase of 40% in fuel costs has been noted by the Township. PADOT has offered a 3% increase from last years figures. Notification, dated 7-08-04, has been received from PADOT that a check in the amount of \$3354.28 for the winter season of 2003/2004 will be forwarded to the Twp as a severe winter adjustment.

Chp Artz asked if any contact had been made to PADOT to try to negotiate the 3%. Mgr Grumbine replied this is non-negotiable. It is what it is! He said he has conversed with other municipalities and found that many of them are going along with this agreement. Mgr Grumbine stated N. Cornwall has indicated they are leaning toward NOT renewing. Myerstown is considering NOT renewing. Palmyra is also considering NOT renewing.

Suv Hawkins asked what are the consequences of us not renewing. Mgr Grumbine explained PADOT would have to do the winter maintenance on any PADOT roads in the Twp. Suv Hawkins said and that would be whenever they get around to doing it.

Winter Maintenance Agreement with PADOT (cont'd)

Mgr Grumbine said then we keep on them and let the telephones keep ringing at PADOT. This is what PADOT does to us when they are unhappy with any Twp work.

Paul Schwab – Hunters Chase Lane

If this is costing us money to perform this maintenance, then why are we doing it? Every time he comes to these meetings all he ever hears is how we have no money. Suv Brensinger said that is the point. We are behind already and this year will be even more so. Schwab said it makes no sense we have no money to do what we want in the Twp now and we are performing this work for PADOT, losing money. When he works for a company he had better come across with a service when the customer calls. PADOT is no different, according to Schwab. If it is a State Road then call the PADOT office. Suv Hawkins said it would be up to the residents to make the calls. Not the Twp. Mt Zion Road has already been removed from the Twp list. PADOT claimed they needed it for their road mileage.

Chp Artz asked if this would interfere with the severe weather allocations the Twp is able to request? Mgr Grumbine replied no, this has nothing to do with the agreement. The Twp would still be able to apply for severe weather assistance. She continued on to say we were not able to claim any roads that were covered under the normal contract with PADOT.

Suv Hawkins and Mgr Grumbine suggested trying this for a year and see what happens. Suv Hawkins then asked if this is a 5-year contract, does that mean we have to wait 5 years or does that mean PADOT would approach the Twp in the year 2005?

MOTION: Was made and seconded to approve not signing the winter maintenance agreement with PADOT at this time. Unanimously carried.

C.)Resolution No. 23-2004; Park & Recreation Grant for Comprehensive Plan

Mgr Grumbine explained to the Board that Rettew Assoc is filing a grant application on behalf of the Twp for the Twp's Comprehensive Recreation, Park and Open Space Plan. Part of the application is the adoption of a Resolution by the Board of Supervisors. If awarded the grant would cover 50% of the costs for the Plan. The Resolution has been presented to the Board tonight for their action.

Suv Hawkins asked about the procedure and the timing to secure the grant. Mgr Grumbine explained this does not funds for park improvements. It is for the actual recreational planning process. She said she is not sure about the timeframe, but would check into that. As this is being presented for action tonight, she would assume we are within the specified timeframe now. Suv Hawkins then remarked this is something the Twp is planning on doing anyway, grant or no grant, right? Mgr Grumbine agreed this is something the Twp would be completing regardless.

Paul Schwab – Hunters Chase Lane

Mr. Schwab asked why this grant is being pursued? Suv Hawkins explained this grant, if received, would pay for a portion of the Comprehensive Plan the Twp is currently getting ready to work on. She said this is the plan that will explain what the Twp hopes to see accomplished within the next 5-10 years for recreation.

Res. No. 23-2004; P & R Grant App'l (cont'd)

Suv Brensinger said the Twp has a Comp Plan, which is considered old. This updated Comprehensive Plan will actually be in addition to the existing Comp Plan. Mgr Grumbine stated the original Comp Plan was adopted in the early 1990's and that is what outlined the overall parks within the Twp. This Comp Plan is also what detailed all the phases for Lions Lake Park at the particular time when the Twp has just taken ownership of. It involved the work of a professional planner who worked with a committee to conduct various surveys from the public and also established a definite plan the Twp wanted for its park and recreational areas. Mgr Grumbine said this updated plan will now reflect on Lions Lake as a completion to the original Comp Plan and will survey the residents to gauge what their wishes for future recreational space will entail.

Sol Wolf stated this is not just about grant money. The Twp for a procedure when dealing with residential developers uses this Comprehensive Plan and establishing what is required from them for recreational purposes. Schwab said so is this for the plan for the Moyer property on Narrows Dr? Mgr Grumbine agreed this was the intent when the Twp purchased that property. It is to be used for recreational space.

Schwab then referred to previous meetings when he voiced his objection to any more park space in NLT. Mgr Grumbine said the Twp had received grant funds for the land acquisition of the Moyer property. Schwab questioned, did you receive the funds or did you just receive a letter? Mgr Grumbine replied the Twp received the money in 2 different amounts of \$110,000 and \$100,000. Schwab said to the Board, so you spent \$410,000 in order to receive \$210,000. Mgr Grumbine told him the parcel of land owned by the Twp that has a home located on it could not be used in the assessment when applying for the grants. The Twp leases this home. This homestead portion of the property was assessed at \$132,000. Schwab remarked the Twp still had to put \$200,000 into buying the property. Schwab remarked all he ever hears at these meetings is there is not enough money and then the taxes were increased last year. You are spending money that you do not have.

Suv Hawkins tried to explain the money for recreation does NOT come from taxes. It is gained from other resources. It is gotten from the "Fees in Lieu Of" that is generated from residential developing. Suv Brensinger informed Schwab the payments on the property being discussed are coming from the funds the developers are paying to the Twp. Sol Wolf then pointed out that the funds received from these developers must be used within a specified period of time or must be refunded to the developers.

MOTION: Was made and seconded to adopt Resolution No. 23-2004 regarding a grant application pertaining to the Park & Rec Comprehensive Plan. Unanimously carried.

D.) Resolution No. 24-2004; Street Dedication – Sunrise Meadows

This Resolution is for the dedication of the streets in Sunrise Meadows that includes portions of Sholly Ave, Cappa Ave and Sycamore Ln. The Deed has been signed and recorded by Leon Zimmerman and Mgr Grumbine has received an 18-month integrity bond as required. Upon adoption, we will forward the information to our PADOT representative for inclusion in our Liquid Fuels map. Suv Brensinger told his fellow Board members the Twp had maintained these areas last winter, as Zimmerman did not make the deadline. Zimmerman agreed to pay a fee for this service from the Twp.

Res. No. 24-2004; Street Dedication – Sunrise Meadows (cont'd)

MOTION: Was made and seconded to adopt Resolution No. 24-2004 accepting for use and maintenance the portions of Sholly Ave, Cappa Ave and Sycamore Ln as described. Unanimously carried.

Suv Hawkins asked if this means there will be more streets to plow? Suv Brensinger and Artz both confirmed. She asked if that means more money will be coming to the Twp. Suv Brensinger replied more Liquid Fuels money. Mgr Grumbine explained that is why it is important we adopt these streets according to the state's time deadline.

E.) Resolution No. 25-2004; Street Dedication – Phase 5 of Deerfield North

This Resolution is for the dedication of the streets in Phase 5 of Deerfield North, which is a portion of East Brookfield Dr. Sol Wolf has prepared the deed of dedication to be recorded and Mr. Hess has provided the required 18-month integrity bond. This Resolution will also be included in the information forwarded to PADOT one it is recorded.

MOTION: Was made and seconded to adopt Resolution No. 25-2004 regarding E Brookfield Dr located in Phase 5 of Deerfield North. Unanimously carried.

F.) Update on Homestead Acres Phase I Dedication

Homestead Acres is another area where there are streets to be dedicated to the Twp. On July 16, 2004 a letter had been sent to Isaac Martin requiring him to finalize Phase I streets for dedication to the Twp. After receiving numerous complaints about lack of winter maintenance from residents, the Board requested this letter be sent. The goal was to have at least Phase I finalized and dedicated to the Twp prior to the 2004/2005 winter season.

A response was received indicating that the developer wished to have this portion and to include Phase 2 for finalizing. Roadmaster Brensinger completed a 4-page "punchlist" for Homestead Acres, Phases 1 & 2, to be completed and had submitted to the developer. They have been slowly working on this list and have indicated paving would be completed by the end of September.

Mike Saxinger, Engineer for the developer, has sent a letter of request to County Planning Dept requesting inspections for Phase 1,2 & 3 along with a request for reduction in the posted letter of credit with the County.

With all these issues occurring it has become obvious the deadline of October 1, 2004 for finalizing the streets for dedication is probably not going to happen. In order to make this happen all paperwork would have had to be submitted at tonight's meeting. Mgr Grumbine is suggesting a situation similar to the one with Leon Zimmerman last year. A winter maintenance agreement between the Twp and the developer, which would require a fee being paid by the developer, could be established. She told the Board she would keep them informed as this progress is made toward dedication of these streets.

Much discussion took place on the many issues involved with this situation. Roadmaster Brensinger said an agreement for winter maintenance is not a problem once the wearing course is applied to the streets. This eliminates the manholes being raised up out of the streets and the possibility of damaging them during plowing.

Homestead Acres Phase I Dedication (cont'd)

He also said that as long as the Twp is not receiving Liquid Fuels money for maintenance, the developer should be financially responsible. If that is not acceptable the developer could provide winter maintenance himself. Mgr Grumbine suggested waiting until the Oct meeting and see where the developer is until that time. After that a set fee for winter maintenance could be discussed, if needed.

Suv Hawkins questioned if anyone thought the developer would agree to pay a fee to the Twp. Suv Brensinger asked Sol Wolf if the Twp could mandate the developer to provide the maintenance through an agreement with the Twp. Sol Wolf responded we can try it. If it becomes a problem he would be told his alternative is to provide the maintenance himself.

Paul Schwab, who lives on Hunters Chase Ln, voiced his opinion. He did not see what the complaints were about. He did NOT have any problems with the winter maintenance that was completed by Isaac Martin Builders last winter. Suv Brensinger pointed out his home is located at the entrance to the development. Schwab said when there was ice, they salted. When there was snow it got plowed. He added that some people seem to think that as soon as the snow stops they have be able to get out and drive on the streets immediately. Suv Hawkins asked Schwab if there were any problems with ice build up on the roads last year. He replied, no not any more than anywhere else. The Board was in agreement to table this issue until the October meeting and reassess the situation then.

G.)Letter from DEP - GLRA

A letter was received from DEP pertaining to a Public Hearing regarding the GLRA application for increased daily tonnage. The meeting will be held at the Ebenezer Elementary School cafeteria on 10-17-04 from 7-9 PM, 1600 Colonial Circle. The letter also states a copy of the application is available for review at the Department's Southcentral Regional Office at 909 Elmerton Ave, Harrisburg. The letter also specifies anyone wishing to review the application should contact the file room (717-705-4762) to schedule an appointment.

Any person intending to testify at the hearing should register by Thursday, Oct 28 to Sandra Roderick, Community Relations Coordinator at the Southcentral Regional Office. Suv Hawkins asked if anyone had relayed this information to Brenda. Mgr Grumbine said she would probably read it in the newspaper. Suv Brensinger said he would certainly think that anyone who had attended the other Public Hearing would have received a notice in the mail also. Mgr Grumbine told Suv Hawkins that if she would like to make contact with Brenda herself, that would be an option. That way she would know that this person was informed of the meeting.

H.)Thank You from Old Ebenezer Day Committee

Mgr Grumbine told the Supervisors the Twp had received a letter from the Old Ebenezer Days Committee. She read the letter out loud and mentioned the thank you to the Twp for the cooperation the Twp had provided to the Committee. All who had attended deemed the day a success. Chp Artz announced it had been a great day. He felt the attendance could have been a little better. He said it was wonderful to see the acknowledgement of the heritage of that community. There is a lot of History in this community and he felt it was portrayed in a good manner. Suv Brensinger said this is always a busy time of year.

Old Ebenezer Day Committee (cont'd)

Suv Hawkins mentioned that fact that it was September 11 and there were many other activities planned, due to the day itself, contributed to the lack of attendance. Suv Hawkins questioned Mgr Grumbine about shredding of various documents no longer needing to be stored by the Twp. At the last meeting it had been approved to shred these documents. Did the company ever come to complete this task? Mgr Grumbine replied the equipment here at the Twp was used. The Road crew used the grinder to complete this task. It saved the Twp money.

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

Sol Wolf reported no progress on this issue with Bethel Twp. The one outstanding problem seems to have been solved but Bethel Twp does not seem as eager to meet with NLT to get this issue resolved once and for all. There are 2 options, either drop everything and let all this work “go down the drain” or let the courts handle the situation. Sol Wolf would have thought this option would not be appealing to Bethel, as it would cost both municipalities money to pursue through the courts.

Chp Artz said at this point in time, if Sol Wolf is suggesting the courts he is inclined to agree. There has been so much time, effort and money invested in this issue already. Suv Hawkins admitted she is at a loss as to what Bethel Twp is even thinking. The one remaining problem seems to be addressed. Sol Wolf suggested he send one last letter to their Attorney stating a definite time to make contact with Mgr Grumbine or the petition will be filed with the courts to proceed with this matter. Suv Brensinger voiced concern that this be handled in a non-offensive manner. The NLT Board does not wish to offend Bethel. They just want this issue resolved and off the books for good. Sol Wolf would draft a letter for the Board’s review at the next meeting.

B.)Spruce Park Determination – Real Estate Transfer Tax

Sol Wolf stated he had contacted the school’s attorney and been informed the Cornwall-Lebanon School District would join with the Twp in pursuing this issue. The Board had given authorization to start legal action and Sol Wolf has started those proceedings. Action will include the filing of a lien against the property. Also a claim will be placed against the prior owner, the current owner and the title company that had handled the transaction. Within the next 2 weeks Sol Wolf expects the final draft of the document will be completed for the Board and the School District to review.

C.)Mechanic Street Property; Method of Sale

The Board and Sol Wolf had discussed selling the property owned by the Twp on Mechanic St through a Public Sale. Steckbeck Engineering had done a survey of the property to show what remains to be sold. After reviewing the survey, a large area that had been designated for Twp property, it was obvious the area would create a lot of maintenance the Twp did not want to upkeep. This also created a smaller portion of land to sell. Sol Wolf had contacted Jeff Steckbeck and informed him to revise the survey, maintaining only enough Twp property for the required right-of-way.

Mechanic Street Property; Method of Sale (cont'd)

A notation of the property zoning will be made on the survey. The R-2 zoning, the set backs for any proposed buildings and the parking requirements would also be noted on the plan. This will make it easier for the Twp and the prospective purchaser of the property. Once the revisions are received, County Planning will be asked to review the plan to insure that the information is completely accurate. Nelson Ebersole, Auctioneer, has been contacted. The Twp is requiring the purchaser pay both of the 2% transfer taxes, which is typical at public sales. Otherwise it is split between purchaser and seller. The lack of a sufficient bid, if specified by the Twp, would insure the Twp's right to refuse or withdraw from a sale. Some discussion had been held about placing a restriction on the deed referring to mobile homes. The neighbors had expressed concerns about not wanting mobile homes placed on the lot.

Discussions with Nelson Ebersole have revealed his fees are no more than anyone else for selling the property. His fee would be 3% of the purchase price. If the property is not sold there would be no fee. The Twp would pay for the advertisement of the property. However it would be the responsibility of Ebersole to complete the advertising. Ebersole has estimated the costs for advertising in the area of \$5000. At this point we are waiting for the revised plan from Steckbeck Engineering. After that is received Nelson Ebersole will be retained, if that is what the Board decides.

Suv Brensinger asked Sol Wolf to confirm this method of sale conforms to the State statutes that the Twp is permitted to follow. Sol Wolf confirmed this to be true. Chp Artz asked if a realtor would be a better avenue to follow. What do they charge? Sol Wolf said they usually charge 6-7%. Advertising costs for the realtor is not paid by the Twp. Suv Brensinger said but that method is not accepting bids. Sol Wolf agreed with Brensinger. Also there is a longer time period when listing with a realtor.

COMMENTS FROM BOARD MEMBERS/ TWP MANAGER**A.)Suv Brensinger – Old Ebenezer Days**

Suv Brensinger said he felt he had to commend the people involved with putting together the Old Ebenezer Day celebrations. He said he felt they did an admirable job and thoroughly enjoyed it. Nothing was mentioned about continuing this as a tradition. We will have to wait to hear from them. Chp Artz remarked on the convertible they were riding in for the parade.

B.)Suv Hawkins – D.A.R.E. & NLT Officers

Suv Hawkins said she would like to commend Det Leahy on his dedication to the D.A.R.E. He sought funding from other sources and was able to achieve finding it for this year. She wanted to commend him for doing that.

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

Respectfully Submitted,

Theresa L. George
Recording Secretary