

**MINUTES
NORTH LEBANON TOWNSHIP BOARD OF SUPERVISORS
NOVEMBER 15, 2004**

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

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

Also in attendance was: Al Winn of the Patriot News, Chris Brown of the Lebanon Daily News, Bonnie Grumbine and Theresa George, Twp employees, and at least 14 other individuals.

The meeting convened at 7:00 PM and the pledge to the flag was done.

COMMENTS FROM THE PUBLIC

A.)Bruce Sattazahn – Weavertown Road

Mr. Sattazahn inquired about the Twp’s perception of the problems the City of Lebanon is having regarding their paid fire fighters. He asked if the laying off of City firemen would affect the operation of the *volunteer* fire fighters in the Twp. Sattazahn mentioned the Police assistance program the Twp has. Would the firemen also be expected to participate in a program such as this?

Chp Artz told Sattazahn the Twp is home to 4 operational Fire Companies. As of now there has not been any type of reaction or request for action on this subject. Sattazahn stated he felt this would be a proactive rather than a reactive issue.

APPROVAL OF MINUTES

MOTION: Was made and seconded to approve the minutes from November 1, 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 – October**

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

1. Calls for Service totaled 308
2. 36 Criminal arrests
3. 112 Traffic arrests
4. 35 Court dates
5. 31 Warnings
6. 14 Burglar Alarms
7. 2 Assault or aggravated assault
8. 16 Domestic situations
9. 6 DUI arrests
10. 15 Police Assists
11. 7013 Miles logged on the cruisers

B.)Request for NLT Fire Police @ Myerstown Parade

A request from Myerstown Borough was received for Fire Police assistance at the Myerstown Holiday Parade. A Certificate of Liability Insurance was also received. Chf Wolfe reported the there appeared to be some confusion about the dates however. He contacted the Myerstown Borough office about the conflicting dates. The Myerstown Borough office faxed the corrected dates to Chf Wolfe and he in turn faxed the information to Sol Wolf. Sol Wolf stated the insurance information was acceptable.

Chf Wolfe explained the request was for the Fire Police to assist at the parade. Before this can happen however the Supervisors would need to take action on this request. The action would have to take place this evening however in order to be in time for the scheduled function. Chf Wolfe repeated that the Solicitor has approved the insurance information, which has been provided.

MOTION: Was made and seconded to approve the NLT Fire Police assisting at the Myerstown parade, November 27, 2004, which is a non-emergency detail. Unanimously carried.

C.)Proposal from C.M. High – Preventive Maintenance Agreement

Chf Wolfe told the Board he has received the proposal from C.M. High regarding the maintenance and preventive maintenance. The preventative maintenance for the traffic lights at Rte 422 and N 15th Ave and at the intersection of Long Lane and Rte 72 are being proposed at the same pricing offered last year. The response maintenance proposal figure has increased in the amount of \$8.50.

Suv Hawkins verified that this response rate only becomes effective if the Twp has to call C.M. High for any type of service. Chf Wolfe confirmed this statement. She then asked if this is an agreement the Twp reviews every year. Chp Artz replied, yes it is.

Proposal from C.M. High (cont'd)

MOTION: Was made and seconded to enter into agreement with C.M. High for a Preventative Maintenance and a Response Maintenance regarding the traffic light maintenance. Unanimously carried.

D.)George Hardick Clean Up – Mt Zion Rd

Chf Wolfe said he would ask Sol Wolf to report on any progress with Mr. Hardick and his property clean up. Sol Wolf reported he was able to make contact with Mr. Hardick after the last Supervisor meeting. It appears the problem is with the contractor Hardick has contracted with for construction of the storage building that is to be constructed. The contractor had given Mr. Hardick a starting date of August, September or October. These starting dates never happened. Sol Wolf indicated to Hardick he would have to get someone who would definitely start the construction in December. He told Hardick that he would have to provide a copy of a signed contract, as a commitment, for Sol Wolf's files. Another contractor, who is a Lebanon County contractor, has been contracted. The contractor has been in communication with Sol Wolf. A copy of the signed contract will be provided to Mgr Grumbine. Hopefully the building will be finished in the spring and the vehicles will be able to be stored in the new building.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine**A.)Presentation of Preliminary 2005 Budget**

Mgr Grumbine reported that the 2005 **Preliminary** Budget is ready for presentation this evening. The Board will be asked to approve the Preliminary Budget this evening. There is no increase in taxes for 2005. Also there are no new services being proposed. The 2005 budget presented a real struggle in order to keep the taxes and the Twp services status quo. The only change in services will be the elimination of winter maintenance on all State roads, as previously discussed by the Board at prior meetings.

County Commissioners had approved changes in the Real Estate assessment value of properties. The Commissioners had determined 100% predetermined ratio that would double assessment values. The Twp was mandated to reduce the total amount of taxes levied against real estate properties for (2005) to equal the total amount of taxes levied the preceding year (2004). Following this adjustment the Twp is limited to a 5% tax increase in the first year following a predetermined assessment ratio. There is a provision for the Twp to increase the tax rate if they can show good cause and get court approval.

Following this mandate the Twp millage rate will go from the existing 12 mills to 6 mills, which will keep the taxes levied against real estate properties equal between the 2005 year and 2004. We are then limited to a 5% increase. For the year 2005 there is **not** an increase proposed regarding the real estate taxes.

Presentation of Preliminary 2005 Budget (cont'd)

Copies of the prepared 2005 Preliminary Budget was provided for the public to follow as Mgr Grumbine explained the entire Preliminary Budget. She explained there is numerous funds established within the Twp.

Any items not assigned to a specific fund are placed in the General Fund, which includes the majority of the Twp services rendered. These would include administration, tax collection, police, fire services, EMA, highway, building maintenance, park & recreation and in-house mechanic services. The only exception would be the Wastewater Dept, which operates from the budget of the Municipal Authority. Those services are a part of the Wastewater budget and are not a part of the expenses of the Board of Supervisors. The Authority adopts its own budget, which is not a part of the budget being presented to the Board of Supervisors.

D.A.R.E. Fund - is operated under the direction of the Chief of Police. This service provided by the D.A.R.E. officers is funded by Grant money from the State and donations from various local businesses. Any proceeds recognized from “National Nite Out” are also directed into this fund.

Street Light Fund – is a restricted fund for street lights throughout various developments of the Twp. These funds are used for the collection of the street light taxes and the payment of the electric bill, operation and maintenance expenses. The developers do the original installation and purchase of the streetlights. The Twp takes on ownership and maintenance costs of these lights when the Twp accepts the street ownership within the developments. There is a specific formula used to determine the amount of the property owners’ street light tax.

Capital Improvement Fund – was established many years ago by a previous Board. They recognized the need for expansion of the Twp facilities would occur at some time in the future. The first of 2 phases was completed in 2001 when the new storage building was constructed on the east side of the municipal building. Phase 2 will include the expansion of the police Dept, relocating the Fire Chief’s office and EMA office from basement level to a new location near the Police Dept, one central location for all maintenance personnel, expansion to the administrative office and a new meeting room with direct access from the outside for the public. It is anticipated that with authorization from the Board bids will be advertised in November or December of 2004, with construction to begin in spring of 2005. The Architect for the project has reported that the plans have received approval from Labor & Industry.

Capital Reserve Fund- is reserved for long-range planning of future needs of maintenance equipment. Annual funding is provided from the Host Municipality Fee. All large capital purchases for equipment are done through this fund.

Special Project Fund - is funded through the 904 Grant (Performance Grant) and is for the Recycling Program in NL Twp. This money is used to pay the Twp’s 10% portion of

Presentation of Preliminary 2005 Budget (cont'd)

all equipment not covered by DEP's 90% portion. This equipment is required to be Recycling Equipment only. In the situations where the equipment is only used partially for Recycling the DEP portion comes in lower than the 90% and the remaining amount is funded through the Capital Reserve Fund. The Twp's existing Yardwaste Facility was funded for 90% of the construction. However maintenance on the purchased equipment and personnel time are NOT funded through the DEP Grants. The price of a keycard for use of the facility is \$20 for residents and \$200 for businesses (located in the Twp). Mgr Grumbine is recommending the price of the keycard remain the same for the year 2005.

Park & Recreation Fund - receives the operating revenue from developers. Money is required from developers during the submission process of subdivision or land development plans and is deposited into this fund and tracked for expenditures per the requirements of the Comprehensive Recreation, Park and Open Space Plan. The Park & Recreation Board reviews the budget and makes recommendations to the Supervisors on the expenditures. The Twp will continue to apply for Grants when available to help stretch Twp dollars for recreational projects.

Liquid Fuels Fund – is allocated from the State and deposit is mandated to this fund. The expenses are restricted on the use of these funds to highway purposes. Currently this fund is used for salt/anti-skid materials, plow repairs, street signs, speed limit signs, line striping, storm sewer maintenance, including street repairs, crack sealing and bridge work. All major paving projects are also expensed through this fund. The amount of funding the Twp receives is based on the road mileage (50%) and population (50%).

Several charts and graphs have been included with the Preliminary Budget showing the Municipal Tax breakdown, Real Estate comparison and Earned Income Tax comparison. A pie chart showing the Twp's expenses as percentage of income for 2004 is included. Also is a chart showing the expenses as percentage of income for 2005. As added information an overall view of the various funds for the 2004-year and the proposed 2005-year have been provided.

Sol Wolf wanted to clarify the 5% increase that the Twp and the County are limited to for the year 2005. However the school is able to increase 10%. This restriction for increase is for the year 2005 only.

Chp Artz thanked Mgr Grumbine for her efforts in providing all this information. Mgr Grumbine stated that the office staff would be attempting to place all this information on the Twp website (www.twp.northlebanon.pa.us). Mgr Grumbine repeated this is the Preliminary Budget for 2005. The information will be available for inspection at the Twp office or on the website. The final adoption is scheduled for Dec 20, 2004. Chp Artz asked his fellow Board members if they have any questions regarding all the information just discussed. There were none.

MOTION: Was made and seconded to approve the 2005 PRELIMINARY Budget. Unanimously carried.

B.)Flood Inspection for Halfway Dr Bridge

The Twp has received a report from the Wilson Consulting Group in regards to the recent flood inspection of the Halfway Dr bridge located in NLT. The County Commissioners due to the recent flooding in Lebanon County had requested this inspection. The report lists only the findings from the October 1, 2004 flood inspection and indicates there is no maintenance required as a result of the recent flood. The bridges along Emma Rd and Long Lane are due for their bi-annual inspection in 2005. No flood inspection was requested for these bridges as they are under the Twp's jurisdiction. These inspections are usually completed in the early spring of the odd years. Mgr Grumbine anticipates having these inspections completed in the early spring of 2005.

C.)Receipt of DEP Grant Money & Payoff Grinder Loan

Mgr Grumbine reported the Twp is in receipt of a check from DEP (\$199,987.34) for the grinder and other items the Twp had received authorization from DEP to purchase. With receipt of this check from DEP the grinder has now been paid off effective November 12, 2004.

Paul Schwab – Hunters Chase Ln

Mr. Schwab questioned what the total amount was that the Twp had spent? Mgr Grumbine responded the grinder cost approximately \$185,000. She did not have the other items, which were purchased. The information could be provided to Schwab if he cared to stop by the office. Schwab questioned the mobile trailer that is parked inside the Yardwaste Facility. We didn't receive money for that did we? Mgr Grumbine told him the trailer was purchased with a prior grant from DEP.

Schwab said he wants to know why we (the Twp) are spending all this money. Or is it not costing the Twp anything? Mgr Grumbine agreed the DEP Grant pays for the recycling equipment. Schwab asked what about the maintenance of the equipment? Mgr Grumbine responded the expenses are taken out of the "Special Projects" fund. It does NOT get expensed from the "General Fund". Schwab said, so next year when a tax increase is announced, it will not be because of the recycling program? Mgr Grumbine replied, I certainly hope not. Suv Hawkins asked Mr. Schwab if he was referring to the Landfill? Schwab agreed this is what he was referring to. Suv Hawkins replied we have to pay a fee at the Landfill. Schwab said that is right he has to pay at the Landfill and he has to pay here at the Township. Why should the Twp charge a fee for the Yardwaste Facility? Suv Hawkins and Chp Artz both replied the two fees are not even close in amount.

Pam Parr – 806 Patmar Dr

Ms Parr said she is curious, why, if everything is covered under Grants from DEP, is everyone paying this \$20.00 fee for the Yardwaste Facility here at the Twp?

Mgr Grumbine repeated it is to cover the maintenance of the equipment and the personnel time. Suv Brensinger stated it also helps pay for the fuels needed to operate the equipment.

Martin Barondik – New St

Mr. Barondik stated that he feels the residents should not have to pay for the keycards. He thinks the people are being charged twice for this service. A tax is paid at the Landfill for recycling and then a \$20.00 fee is charged at the Twp for use of the facility.

Suv Brensinger said he needs to correct some of the statements made. A tax is not paid to fund Recycling Grants. This is part of a fee that is paid at the Landfill when using the services at the Landfill. This is a charge that is included on the Landfill fee, which is a “Green Waste Fee”. Tax dollars are NOT used to fund Recycling. Our current Governor has “dipped” into the Growing Greener funds time after time for other purposes. That is the reason Recycling Grants are getting harder and harder to receive. If this practice continues there will not be any Growing Greener funds to seek. Suv Brensinger repeated tax dollars do NOT pay for Recycling.

Charles Allwein – Martin Dr

Mr. Allwein referred to the information provided in the Preliminary Budget narrative. He said the amount of money is rated according to tonnage reports for the Twp. He said we should be encouraging residents to recycle even more. Why should the residents have to pay the \$20.00 for use of the facility? Chp Artz repeated what Suv Brensinger had reported. There are expenses involved for maintenance and personnel time spent in the Yardwaste Facility. Grant money does NOT cover these issues. Allwein said if the fee was not charged, more residents might use the facility, increasing the tonnage. That still would not provide funds for the equipment maintenance and the personnel used to maintain the facility explained Chp Artz. The \$20.00 fee is used to offset the expenses to the Twp for these items not covered. This is the first year a fee has been charged. At the end of the year the Supervisors would be taking a look at the situation and see how things have balanced out. He continued onto say he feels the response from the NLT residents has been very positive. The feedback from many residents has been favorable. Some members of the public indicated their disagreement with Suv Artz’s last statement.

Suv Brensinger said he wanted to inform the public that the Twp’s recycling counts is not only from the Yardwaste Facility. The licensed trash haulers in the Twp are required to collect recyclables and the tonnage is added into the Twp’s total amounts. All the local businesses, such a Wal-Mart and many others have required paperwork they must submit to the Twp. This report tracks the amount of recycled materials going out of the business

location. All these totals are added to the Twp's tonnage amounts. These items include the cardboard, office paper, newspapers etc. It all contributes to the total of the tonnage. This information is considered each year when the Performance Grant is applied for. All recyclable materials are considered at the end of each year.

D.)Community Development Program

Information regarding the Lebanon County Development Block Grant Program for fiscal year 2005 has been received. This funding is limited to \$50, 000 per community per year. This is the same grant the Twp used to develop the intersection area at Mechanic Street. However all Engineering and Planning fees were the responsibility of the Twp. Several times in the past the subject of installing sidewalks along E Lehman St (N 11th St to Wal-Mart) was discussed. The deadline for Project Request forms to be submitted for the 2005 year is January 14, 2005. Mgr Grumbine is suggesting to the Board that this issue continue to be discussed and consider applying for this funding in the year 2006. Cost proposals from engineering firms for providing line and grade along with required plans and specifications for bidding could be gotten as a starting point. In addition an overall estimate of the cost to install sidewalk to insure we are within the \$50,000 grant limit should be gotten. After receipt of all the proposals and estimate for the project, the Board will then be able to decide whether or not we want to pursue the project. The possibility of contacting Wal-Mart and discussing the project with the manager for participation in this 2006 was also mentioned.

Some discussion was held about the project at Mechanic St and the requirements the Twp had to follow in order to qualify for approval from the Community Development Program for funding. Suv Hawkins asked if she is correct that the Block Grants are primarily for low-income areas? Mgr Grumbine explained the only other option is to conduct a house-to-house survey to prove 51% are in low to moderate-income ranges. Suv Brensinger stated he is concerned about the term low-income being used. When conducting a survey in the Mechanic St area what contributed to the classification was the fact that the households had several "dependants" living in the household. The more dependants in the household a higher level of income are permitted. He is concerned about the residents on E Lehman St being mislabeled as low-income. Mgr Grumbine referred to the guidelines she had received for income levels. She said the income levels are compatible with what Suv Brensinger is pointing out. A household with 6 people living in it can have an income of \$56,150 per year to be considered low to moderate income.

SOLICITORS REPORT - Frederick Wolf

A.)Boundary Line with Bethel Twp

As mentioned last month Bethel Twp has now agreed to proceed with the completion of the revision of the Twp boundary line. Sol Wolf talked to the Bethel Twp Solicitor, who will be putting together the agreement. He has indicated to Sol Wolf that he has not yet

completed the wording for this agreement. Sol Wolf said he is hopeful this whole issue will be completed by the end of this year.

B.) Spruce Park Determination – Real Estate Transfer Tax

Sol Wolf told the Board that he has not had any communications from the Cornwall-Lebanon District's attorney in regards to proceeding against the former owner of Spruce Park. It had been decided at previous meetings that the school district and the Twp would proceed with charges jointly for collection of the amount still owing from the transfer of this property. Sol Wolf suggested that the Twp wait until the middle of December to hear from the school. If we do not, then we should proceed on our own and let the school handle their own proceedings.

C.) Mechanic Street Property – Approval to Contract for Public Auction

After a thorough review of this subject a revision has been requested. A utility right-of-way is within the property that will be conveyed. Suv Brensinger has reviewed the information. The conveyance information will contain the right-of-way information also. A surveyor will be asked to review the information with the Board and then designate on the map the area they want to be surveyed.

Martin Barondik- New St

Mr. Barondik questioned if the utility poles in this area were placed there temporarily? Sol Wolf replied no, they are permanent poles. They were relocated when the property was widened. Barondik stated that he location of those poles would “mess up” the property. Suv Brensinger disagreed saying there is enough front yard setback to place 1 or maybe even 2 houses, as this is a R2 district. Sol Wolf continued by explaining the setback lines were noted on the map to establish the “building envelope”. The poles would be located where there is a grassy area or a parking area.

Suv Brensinger asked Sol Wolf if he is looking for some type of action from the Board this evening. Sol Wolf said he is asking for approval to have Nelson Ebersole proceed with the advertising of the auction and distribute information to prospective interested buyers (survey included). He would also coordinate information from County Planning about what will be permitted on the property. Sol Wolf told the Board that Ebersole would only receive a fee if the property were sold at the auction. Also he would collect the cost of advertising. If an unacceptable price were offered, he would have the authority to turn the offer down.

MOTION: Was made and seconded to authorize the Solicitor to contract with Nelson Ebersole to provide public auction service for the sale of the Mechanic St property. Unanimously carried.

D.)West Leb Twp & NL Twp Agreement – 25th St

The Board of Supervisors and the W Lebanon Supervisors are reviewing a “working agreement” concerning 25th Street. NL Twp has had a “working agreement” with W Lebanon before, although it was oral never written. Since the section of Union Canal Dr will be re-constructed and paved, the small portion that is located in NL Twp would be the responsibility of road maintenance would be W Lebanon Twp’s. They will also receive all the Liquid Fuels funds. Snow removal will be shared between NL Twp and West Lebanon Twp. The 2 Boards have discussed the issues and an agreement has been drafted. The survey of the area has been done by Jeff Steckbeck’s office. Sol Wolf said this is another issue he is hopeful will be completed by the end of the year.

COMMENTS FROM BOARD MEMBERS/ TWP MANAGER/PUBLIC**A.)721 Narrows Dr – Storm Water Pipe**

Suv Brensinger reported on the storm water pipe that had been located on the property at 721 Narrows Dr by Tri Valley Contractors. The pipe that had been placed was inadequate and became obvious the first rainstorm we had after it had been installed. The pipe had been intended to drain the water down Narrows Dr. NLT informed Lebanon County Planning not to issue an Occupancy Permit until the pipe issue was resolved. The issue got shuffled around and forgotten until Tri Valley wanted to have a settlement. Tri Valley could not satisfy everything that had to be completed before the scheduled settlement date. County Planning suggested the Twp have Tri Valley post a bond that the work would be completed. Also the new homeowner acknowledging the work that needs to be completed would sign an affidavit. Clyde Patches’ engineer is still working on the design for the pipe to fix the problem. Once that is done the contractor will make the corrections. This is being addressed during a Public meeting because the Grahams brought up the issue at a Public meeting.

B.)Suv Dawn Hawkins

Suv Hawkins wanted comment on the Budget packets that had been put together by Mgr Grumbine. She thanked Cheri for all her research and the effort this took to complete. Anyone who would like to can stop in the office to review the Budget. It will be on display there during the normal office hours.

C.)Martin Barondik – Long Lane Manholes

Mr. Barondik said he realizes there are now various departments in this Twp. He would like to know just what department he needs to go to in order to get these manholes fixed. Brensinger said that would probably be the Wastewater Dept. Barondik asked if Kneasel is head of that department? Suv Brensinger confirmed he is. Is that who I need to talk to? Yes. Barondik said he is not happy that the manholes just are not getting fixed. He said motorists are “dodging” the manholes. If someone is driving down Long Lane and hits

Martin Barondik – Long Lane Manholes (con't)

one of the manholes and then hits one of the utility poles, they don't have a prayer, according to Barondik. This would be a prime situation for a lawsuit, he said.

Suv Brensinger told Barondik that he is not trying to make excuses but motorists have to dodge manholes on Sandhill Rd also. Barondik replied that Sandhill Rd is a State road. He can't do anything about the State but he can apply pressure about Long Lane. Sol Wolf suggested Barondik attend a Municipal Authority meeting to discuss this issue.

Pam Parr – Patmar Dr

Ms Parr mentioned Sol Wolf advising Mr. Barondik go to the Municipal Authority. She said whenever there is an issue and they are told to attend the Municipal Authority to get answers to questions, the Municipal Authority tells them to go to the Board of Supervisors. The people get tossed back and forth and never get their answers. Now you tell me, where DO we go for answers? Sol Wolf replied that the answer that Barondik is seeking must come from the Municipal Authority and they will address this particular issue. He said the Authority would not be sending Barondik back to the Supervisors.

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