

**MINUTES
NORTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS
DECEMBER 18, 2006**

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

Dawn M. Hawkins	Chairperson
Edward A. Brensinger	Vice Chairperson
Kenneth C. Artz	Treasurer
Cheri F. Grumbine	Manager
Harold Easter	Chief of Police
Frederick Wolf	Solicitor

Also in attendance was many other individuals.

COMMENTS FROM THE PUBLIC

A.) Charles Blankenship – LVEDC

Mr. Blankenship introduced himself as the President of the Lebanon Valley Economic Development Corporation. He is present this evening to ask the Supervisors to consider granting a tax abatement program for the Lebanon Rails Business Park which is owned by the Development Corp. When Valspar was being planned the LVDEC approached the Board with a similar request for the Valspar property and a LERTA status had been established. When instituting this program, it does not indicate that the Twp is allowing tax abatement. It would allow the County and the School District the opportunity to grant tax relief for the Business Park. The Twp has the option to grant tax relief but is not forced to permit the tax relief. Establishing the program is an action the Twp must take to institute the program, however. Suv Artz and Brensinger discussed the time that Valspar had requested this same tax abatement program. At that time the Twp did NOT grant the tax relief but did establish the program to allow the County and the School District to participate. Some discussion took place about the Twp's options if the Board should decide to grant this request. Mr. Blankenship stated that the LVEDC is requesting the Board to consider the minimum, which is a 5-year period.

Suv Artz referred to Sol Wolf for answers about the type of documentation required for this LERTA status to be created. Sol Wolf replied that the guidelines have already been met due to Valspar currently having the LERTA status. At that time the knowledge that the school district and the County was already in agreement to grant the tax relief was known to the Twp before the application had been completed. The Twp, however, provides many services to the Business Park that the school district does not. The Twp set up the LERTA program but did NOT participate in the program. Sol Wolf suggested that the school district be contacted to get an answer from them, about this request, before an Ordinance is adopted regarding this program. Suv Artz said he was in agreement with this suggestion. Blankenship stated he has already been in contact with the school district and they are in agreement to consider this request. He continued on to say the school district is waiting to hear the Twp's decision on this request.

Suv Hawkins asked about the procedure for this application. Should the Twp adopt this Ordinance for the LERTA program, does the school district and the County still have an option of whether or not to participate? Mr. Blankenship replied, yes, they still have the option. The adoption of the Ordinance does not obligate anyone participate. It merely makes the option available and the Twp is charged with the adoption of the Ordinance. Some more discussion was held about the Twp's participation in this program, should it be established.

Charles Blankenship – LVEDC (con't)

Sol Wolf suggested the proposed Ordinance be presented to the Board for their consideration and review. After receipt of the drafted Ordinance, the Twp could prepare a letter stating receipt of the Ordinance and indicate that Twp would be in support of adopting the Ordinance after receiving input from the School District and the County on their opinions of the program. This way when Mr. Blankenship approaches the County and the School District regarding this program, they will know the Twp is aware and is considering the LERTA request. Mr. Blankenship presented a draft of the Ordinance to Sol Wolf and Mgr Grumbine. Sol Wolf requested copies be made for all the Board members to review. Mr. Blankenship thanked the Board for their time and stated he would await receipt of the letter from the Supervisors in order to present to the School Board at their meeting the end of January.

B.)Martin Barondick – New Street

Mr. Barondick asked Sol Wolf to explain exactly what the LERTA program is. An explanation was given by Sol Wolf that the property is not receiving the tax relief but any improvement that are made to the property will be assessed with the tax relief. When the Twp establishes the LERTA status by adopting the Ordinance, it allows the County and the School District the opportunity to participate. The Twp also has the opportunity to participate or not. When Valspar was granted the LERTA status the Twp voted not to participate while the school district and County did participate.

C.)Charles Allwein – Martin Drive

Mr. Allwein questioned why would the Twp not adopt the Ordinance if it does not obligate the Twp's participation? He would think the Twp would like to hear what the school district and the County has to say on this issue as they have a stronger tax base than the Twp. Sol Wolf explained the Twp provides many services to the Business Park that the County and School District does not. That was the reason the Board chose not to participate in the Valspar LERTA program.

D.)Martin Barondick – Farm Preservation Act

Mr. Barondick questioned what happens when the Twp receives notice about a farm being placed in the preservation program. Suv Brensinger explained that the farms have to request to be placed in AG Security by the Twp in order to be eligible for the Preservation program. A discussion was held about the "forever and forever" aspect of the Preservation program. Preservation begins with the Twp adopting the lands into the Twp Ag Security Program. The property owners can then apply for Preservation.

Barondick questioned the status on a requested traffic light for the intersection of Kimmerlings Road and N 7th Street. Mgr Grumbine explained the findings of a traffic study performed in conjunction with the Spring Creek development processing. According to state guidelines the numbers do not warrant a traffic light placement at this intersection. She stated the surprise of everyone when hearing this information. Some discussion was held about discussions with the state regarding this issue. Suv Brensinger explained that the Twp must abide by PADOT's decisions on their roads. North 7th Street is a PADOT road.

APPROVAL OF MINUTES

MOTION was made and seconded to approve the minutes from the December 4, 2006. 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.

FIRE CHIEF'S MONTHLY REPORT - George Gettler

George Gettler reported on all the calls for service that the 4 individual four companies had responded to in the month of November. The highest volume of calls seemed to be for Ebenezer this month. Some discussion about ISO ratings (Insurance Services Organization Rating) was held. Ratings are determined by the number of apparatus, personnel and water flow available to fight fires.

FIRE CHIEF'S MONTHLY REPORT (con't)

Gettler expressed wishes for a safe and Happy Holiday season to everyone from the fire company members.

CHIEF OF POLICE REPORT - Harold Easter**A.)Calls for Service - November**

Chief Easter gave a summary of the calls for service that had been responded to in the month of November. He stated that the highest number of calls for service appeared to be on a Thursday.

B.)Resolution of Local Bank Robbery

Chf Easter told the public that an arrest had been made following the robbery last month. Once the arrest had been made the FBI took over the case. He applauded the work done by the NLT Police, which led to the initial arrest of the individuals. Additional Officers from other municipalities assisted in the investigation and arrests.

C.)Various Officer Activities

Chf Easter reported on some of the various training activities that the officers have been involved with over the last month.

Martin Barondick questioned the Crime Lab that had been mentioned in an article in the newspaper. Are we getting a \$75,000 Crime Lab? Mgr Grumbine explained that the Budget contains a line item for the existing Crime Lab. A figure was needed to list for renovations to the existing Lab. As there were not any figures available, a number was inserted. The renovations will probably only begin late 2007 and early 2008. Mgr Grumbine said there is some specialty equipment that is being researched.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine**A.)Woodlea Final Subdivision Phase 3**

This plan has been on the books for a long time. It is located on the west side of Jay Street. The plan illustrates 13 single-family residential lots with all associated public facilities being in place. The developer as of this date has addressed all issues.

MOTION was made and seconded to approve the Woodlea Phase 3 Final Subdivision Plan. Unanimously carried.

B.)James Morrissey Minor Subdivision Plan (Lot Addition)- Mt Zion Road

This lot addition plan shows an 8.7246-acre lot addition from the lands owned by James Morrissey to the adjoining lands of Dennis, Phyllis, Glenn and Penny Seyfert. All requirements listed in Ord No. 1-2006 and Resolution No. 6-2006 have been completed. However there is some language that must be added to the prepared deed, which covers the lot addition. All other issues have been addressed.

MOTION was made and seconded to approve the James Morrissey Minor Subdivision Plan, conditional upon the correct verbiage being added to the new deed for the lot addition. Unanimously carried.

C.)Restoration Connection Subdivision Plan (4 new lots) – Water Street

This plan proposes a subdivision to provide 4 single-family residences. Access is from Water Street with utility hook-ups, storm water management facilities and associated improvements being provided. A public sewer main extension for the length of the property with an overlay of Water Street, 50' wide proposed future right-of-way for a future street and access easement for an existing driveway to adjacent lands are shown. All existing structures and improvements are to be removed. Mgr Grumbine reminded the Board this plan had gone to the ZHB for approval of the sizes of the 4 lots. The Park & Rec agreement has been reviewed and signed along with the fees being paid. A letter of request for the lands to be removed from the Ag Security has also been received.

Restoration Connection Subdivision Plan (con't)

Martin Barondick voiced a concern about the unsightly structures that are still on the property. He stated the structures are unsafe as well as being an eyesore. Why would an approval be given when nothing has been done to clean up the property as of this date? Bob Gerhart, of Matthew & Hockley, stated that the verbiage is listed on the plan regarding the demolition of the existing structures. Suv Brensinger stated that Officer Wengert is already involved as far as Code Enforcement. When asked, Chf Easter replied that Officer Wengert had been working with the owner on weed management.

Several options were discussed to guarantee the completion of the demolition of the existing buildings. It was decided to approve the plans contingent on the removal and clean up of the existing structures. The plans would be held in the Twp office and not released for recording until the demolition and clean up is completed. This would prevent any building permits being issued for these lots and/or re-sale of the property until the clean-up is completed.

MOTION was made and seconded to approve the Restoration Connection Subdivision Plan contingent on the demolition and clean-up of the existing structures before the plans are released to County for recording. Unanimously carried.

Resolution No. 20-2006

A letter of request for removal from the Ag Security program has been received regarding the former Henry Smith farm, which is currently owned by Restoration Connection. Resolution No. 20-2006 will approve the removal of this land from the Twp Ag Security.

MOTION was made and seconded to adopt Resolution No. 20-2006 for the removal of the Henry Smith property from the Twp's AG Security program. Unanimously carried.

MOTION was made and seconded to approve the Park & Rec agreement from Restoration Connection. Unanimously carried.

D.)Seyfert's Orchard Subdivision Plan (7 new lots; 1 existing) – Narrows Drive

This plan is located along the north side of Narrows Drive and proposes seven single family building lots and an existing structure and residual 32.7-acre parcel. Stormwater management has been reviewed and approved by the County Engineer and the Conservation District has approved the E&S plan. There will be no further development or construction on the residual parcel until County and Twp officials have approved any future subdivision/land development plan. The developer has signed and paid the Park & Rec agreement and fees. All issues for this plan have been addressed.

There was some conversation about the residual lot and any possible future developing of the lot. Bob Gerhart explained the thinking that had gone into the plan that is now provided. Immediate plans for the residual lot are to let it remain as is. Street lighting and curbing would be continuous with the existing Orchard View development.

MOTION was made and seconded to approve the Park & Rec agreement and fees, as well as the subdivision plan for the Seyfert Orchard Subdivision Plan. Unanimously carried.

***** PUBLIC HEARING *****

Sol Wolf started the Public Hearing regarding 5 new Ordinances being proposed for the Twp. Each Ord will be discussed separately. Advertisement of the Hearing was completed in compliance with the laws. Sol Wolf reminded the public to state their name and address before offering any comment.

ORDINANCE 3-2006 is regarding current the occupational privilege tax for NL Twp. The legislature last year approved municipalities changing the OPT to EMS (Emergency Management Services Tax). The amount will go from \$10 to \$52 per year and is imposed on all employees working within the Twp.

ORDINANCE 3-2006 (con't)

The \$52 will be collected with the understanding that the school district is able to claim up to \$5 of the \$52. This tax is collected from anyone earning \$12,000 or more per year within the Twp. Sol Wolf explained the process used for collecting and types of use the Twp is permitted to plan for this revenue.

Martin Barondick- New Street

Barondick talked about the history of this EMS tax. He questioned the method used to collect the tax from payroll. Sol Wolf explained that the method the employer uses is not important to the Twp. However the employer must submit the collected tax to the Twp by May 31st.

Charles Allwein – Martin Drive

Allwein asked to clarify this is a tax only applied to people working within the Township. He was told that is correct. His next question was, does that include a job when your office is located in the Twp but the actual work is completed outside the Twp? Sol Wolf stated that the employer's office is called the home base and the employees are working out of the home base. If an employee can show proof they are working outside the Twp, and are paying the tax to another municipality, an exemption might be agreed to through certain processes. Providing proof of the tax being paid to another municipality is what will be important in this situation.

Christine Beard – Kochenderfer Road

Mrs. Beard questioned an article she had read in the newspaper. Is it true the Twp has this tax money "ear marked" for the hiring of another Police Officer? Suv Brensinger told her that is true. She then questioned if it is true that the municipality is able to use the money for many different purposes? True. Her question is can this "extra money" be used for storm sewers? Suv Brensinger said it could be used for that purpose. Mrs. Beard asked why does the Twp need another Police Officer? The Twp just took on West Lebanon Twp for the task of Police services. We have Lebanon City Police assisting our Officers, stated Mrs. Beard. Sol Wolf asked Mrs. Beard if she is asking the Board to consider using these funds for storm sewer repairs. She indicated yes.

Suv Hawkins asked about the self-employed individuals. How do they know to pay this tax to the Twp? The tax collector, in our case that would be EIT, provides a list of businesses and the Twp will be reviewing the list and revise or correct any that need revised. EIT is then responsible for sending forms to the people on the revised list. A general discussion about this tax and legislative decisions took place. When asked the question about people who are based in the Twp but their work is completed in some other municipality was brought up, Sol Wolf answered the \$12,000 must have been earned in NLT for this tax to be enforced. After some more general discussion the Board decided to act on this EMS tax.

MOTION was made and seconded to adopt Ord No. 3-2006 regarding the EMS tax. Unanimously carried.

ORDINANCE 4-2006 is in reference to a 1% Realty Transfer Tax, which is collected at the time of the sale of a property. Sol Wolf explained the process when a property is sold and the deed recording that takes place during this process. Ord No. 4-2006 clarifies that the Recorder of Deeds Office is acting as the Twp agent when properties are transferred and the collection of the tax during the recording procedure. A report, along with the check, is generated by the Recorder of Deeds office and sent to the Twp periodically. Sol Wolf mentioned a situation that had occurred in recent years with the sale of Spruce Park. A decision was made by the State legislature and determined that the municipality is able to recognize the Department of Revenue as their (the municipality) collection agency at the time of the sale to collect any taxes that are due and owing to the municipality. The tax will then be forwarded to the municipality. This information is also included in the Ordinance. The penalties involved in this process for the Twp have also been revised to be compatible with the States' penalties.

ORDINANCE 4-2006 (con't)

Suv Hawkins questioned the amount of the tax the Twp actually receives, as we are splitting the 1% with the school district, meaning the Twp is receiving one-half %. Is the Twp charged a fee for the Recorder of Deeds service? The answer was that the seller of a property is charged a fee at the time of a transfer.

MOTION was made and seconded to adopt Ord No. 4-2006 regarding the Realty Transfer Tax. Unanimously carried.

ORDINANCE 5-2006 is related to the Police Pension Plan for North Lebanon Twp. The officers are making a contribution toward their Pension Plans. This Ord deals with the processing of their contributions. The contribution will be deducted from the paychecks directly before any taxes are determined. This process allows the officers to know the contribution has been removed and then they are being taxed on the remaining amount (gross amount), in accordance with the laws set up by the Internal Revenue Code. A discussion about the Pension contribution from the Officers and the taxing process was held.

MOTION was made and seconded to adopt Ord. 5-2006 regarding the Police Pension Plan and the contributions from the Officers. Unanimously carried.

ORDINANCE 6-2006 is adopting the Police Pension contribution from the Twp.

ORDINANCE 7-2006 is adopting the Pension contribution for the Non-Uniform employees of the Twp.

The Pension administrator has notified the Twp of changes to be made to our 2 Pension Plans. New regulations from the Internal Revenue Code have been cited in the new Ordinance. It is the duty of the Pension administrator to keep the Twp notified of the changes as they take place. Sol Wolf stated that we must abide by the regulations of the Internal Revenue Code in order to have a valid Pension Plan.

MOTION was made and seconded to adopt Ord No. 6-2006 and No. 7-2006 regarding changes in the Pension Plans for the Police and the Non-Uniform Employees. Unanimously carried.

*** End of Public Hearing ***

Township Manager's Report con't**E.)Mike Webster Park & Recreation Agreement (2 new lots)**

Sol Wolf is working on an agreement with Mike Webster regarding several lots on the north side of E. Maple Street @ 4th Avenue. Webster is agreeing to develop only 2 lots, instead of the original 3 lots previously agreed to by the Zoning Hearing Board. This agreement will also cover the bonding and permit requirements. A signed Park & Recreation agreement has been returned to the Twp office, along with the associated fees. The Board is being asked to approve the P & R agreement.

MOTION was made and seconded to approve the Park & Recreation agreement and fees for 1 new lot located off E Maple St. Unanimously carried.

F.)Adoption of 2007 Budget – Resolution No. 19-2006

Resolution No. 19-2006 is presented to adopt the All Funds Budget, which includes all the tax provisions, for the year of 2007. Mgr Grumbine reviewed some of the high lights of the proposed Budget and reminded the Board the tax rate is set @ 7 mils within NLT (1 mil to Fire Companies, 1 mil for fire hydrants maintenance). Per Capita has remained the same. The new EMS tax of \$52 replaces the previous OPT tax. The Preliminary Budget had been read at the November meeting and has been available for Public inspection since that time.

MOTION was made and seconded to adopt the Resolution 19-2006 adopting the Budget for 2007. Unanimously carried.

G.)GLRA Rebate Agreement

The GLRA has established a Municipal Solid Waster Processing disposal and tipping fee rebate program. The Twp has received an application to complete and return to the GLRA. The reason for this rebate program is to create incentive for the haulers picking up waste in Lebanon County to bring their loads to the GLRA. A discussion about the laws past and current relating to the dumping at the GLRA was held. The application must be returned to the GLRA by 12-31-06.

MOTION was made and seconded to submit the completed application to the GLRA for the rebate program. Unanimously carried.

H.)2006 Ebenezer Lake Dam Agreement

Sheila Wartluft has provided a report completed by the engineer for the annual inspection of the Ebenezer Lake Dam. A suggestion has been made by the Engineer to complete one of two things regarding the dam. 1) hire a scuba diver w/video camera to inspect the entire intake structure & trash rack; 2) drain the lake to allow for visual inspection by the Engineer. The video should then be forwarded to DEP. Mgr Grumbine is asking the Board to make a recommendation for a scuba diver to forward to Sheila Wartluft in order to obtain estimates. The estimates would then be brought to the Board for approval. The Board was in agreement that a scuba diver should be contacted and would research for a suggestion.

SOLICITORS REPORT - Frederick S. Wolf**A.)Update on George Hardick Property**

Sol Wolf reported on the George Hardick property. A hearing was held before the Judge and Hardick did not appear. The Judge found Hardick in contempt and imposed penalties. He was instructed to cooperate with DEP and to contact Nelson Ebersole about removal of all the items on his property. Sol Wolf contacted Nelson Ebersole to see if Hardick had made any contact. He had not and the deadline had expired. The Judge's order stipulated jail time of up to 6 months. Sol Wolf stated he was planning to contact Ebersole tomorrow to see if he had received any word from Hardick.

B.)Roberto's Towing

A hearing has been scheduled for January of 2007. Officer Wengert had visited Roberto to inform him of the violations. At this point the Judge will determine what is to be done with the property.

C.)Ordinance Updates

A review has been completed of the draft for an update of all the Ordinances. The requested revisions are being completed at this time. The revisions will be provided to the Board before the end of the year and a date will be set for a Public Hearing on the revised Ordinances.

COMMENTS FROM BOARD MEMBERS**A.)Suv Ed Brensinger**

Suv Brensinger said he wanted to wish everyone a Merry Christmas and Happy New Year.

B.)Suv Ken Artz

Happy Holidays was expressed by Suv Artz.

C.)Suv Dawn Hawkins

Suv Hawkins agreed with her fellow Board members. She also expressed what a pleasure it was to work on the Budget for this year. The experience was rewarding as it was operating in the black this year.

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

Respectfully Submitted,

Theresa L. George
Recording Secretary