

**MINUTES
NORTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS
APRIL 16, 2007**

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 Debra Schell from the Lebanon Daily News and many other individuals. The meeting was called to order and the pledge to the flag was done.

COMMENTS FROM THE PUBLIC

A.)A. Bruce Sattazahn – Weavertown Rd

Mr. Sattazahn reminded the Board he had been present at the last meeting and had questions about a “Special Purpose Tapping Fee” enacted by the Municipal Authority regarding new sewer connections in the East end of the Twp. Specifically located on and around Narrows Drive. He listed all the developing activity that is proposed for that particular area. This is what prompted his thinking he would like to make provisions for possible future development on a single lot he now owns located off the west side of Narrows Dr. This decision lead him to phone Sheila Wartluft at the Twp office to get an idea of the costs involved when purchasing a sewer tapping permit. He learned that after all the expenses were totaled, the cost would be very close to \$15,000 for water and sewer provisions. Sattazahn said he finds this to be rather pricey. He decided to do further investigation and began questioning the “Special Purpose Tapping Fee”.

Sattazahn told the Board he attended the Municipal Authority meeting last week and received an explanation from Scott Rights, Engineer for the Authority, the reasoning for this special purpose fee. Sattazahn said he asked if the existing line is sufficient for all the current projected projects in this specific area. He was told, yes, the line is sufficient for all the new projects now being discussed. A recent study was completed to determine how much capacity was available. The study reflected that the capacity is indeed there for all the current projected projects BUT after the current projects are completed, it would put the capacity of the line at risk. The Authority, after hearing the results of the study, determined that it would be necessary to enact a “Special Purpose Tapping Fee” which consisted of a \$2000 fee. The fee would be placed in a fund to help defray the costs of expanding the lines in this area when the time came. In Sattazahn’s opinion, the \$2000 would be put into place to subsidize future developers buy capacity. He told the Board that Rights did not agree with his description of subsidizing future developers. Sattazahn said he feels Rights was just playing word games with him. Sattazahn said he still believes the \$2000 he is being asked to pay is being provided to help future developers have capacity in this line. He feels this is unfair. His solution would be to have any developer who is asking for capacity, that would exceed the current capacity of the line, be responsible for paying for the expansion of that line. Another solution would be have everyone along the Narrows Dr line, not just the last few unfortunate persons, to kick in their fair share into the “kitty” to pay for the expansion of the line.

Mr. Sattazahn said that in his opinion to add insult to injury, the Authority can keep the money that is paid into the “kitty” for 10 years and if in that time the expansion does not take place, the funds would be returned to the property owners. His question is what type of interest would the property owner receive in this type of arrangement?

A. Bruce Sattazahn – Special Purpose Tapping Fee (con't)

Sattazahn was told there would be no interest received and that makes no sense to him whatsoever. What happens if in those 10 years the property is sold and the individual who paid the \$2000 moves from this area? Tom Harlan, who was the Solicitor attending the Authority's meeting, told him the funds would be returned to the homeowner who had paid into the fund at the time the fund was created. Sattazahn said he is not sure how that can happen. During the sale of the property would he, as the owner, have to place a contingency on the sale of the home declaring if in that time a check for \$2000 is received the new owner must return it to him? Sol Wolf said he thinks the person who is paying the fee should have an agreement that the person who paid the fee gets the fee back. However he thinks that individual would be responsible for letting the Authority know his or her whereabouts if they move away from the area. Sattazahn said there is a whole lot of things he thinks seem odd with this whole topic. He would like to know from the Supervisors, individually, if they were aware of this fee and if they feel this fee is fair to the residents?

Sol Wolf said he would like to add to some of Bruce's remarks. Sol Wolf mentioned some of the history involved with this area. There are sections in this area where pipe size is a problem. In order to create more capacity in those sections, larger pipes would have to be installed in that line. The pipe sizes are inconsistent in that area. Several years ago a Special Purpose Tapping Fee had been in place for this same area, stated Sol Wolf. Some of the individuals, at that time, had paid into this fund. State statutes stipulate that the funds can be held for 3 years. At the end of the 3 years the work must then be completed or the funds must be returned. An agreement could extend that time if the developer(s) and the Authority were agreeable to the time extension. After the 3-yr time period had elapsed it did not appear as though there was going to be much development taking place in this area so all the money was refunded. Within a 2-year period after the funds were returned all sorts of action started to happen in this area. It started with the proposed hotel, the ice cream parlor, Seyferts 7 lots, Evelina Krall's proposed 4 residential lots and her R2 land not yet proposed for development and the Industrial land just recently sold by Evelina Krall. All of this activity prompted revisiting the "Special Purpose Fee" again. Sattazahn questioned why a study was not completed when the line was originally installed to anticipate the future capacity. Sol Wolf said it would have been better to be done at that time. However development was done in small segments and capacity was not anticipated for future requests. That is why the Authority and the Twp is now required to update the Act 537 plan periodically.

The Authority is concerned about the actual flow, which will be created by all this developing. If the flow is increased dramatically, it may mean there is no longer any capacity available in this line at all. The problem is the next person who comes along and wants to develop a lot may be someone with just one lot, such as Mr. Sattazahn. What is to be said to that individual, asked Sol Wolf? The cost that is estimated to replace the sections of line that need replaced is between \$400,000 and \$500,000. How can the Authority tell that individual that they are responsible for paying that \$400,000 to \$500,000 for the line requirements? Even if it is a developer, how can you tell them they are financially responsible for expanding this line, asked Sol Wolf? The Authority is struggling with how much development is actually going to take place in this area. The Authority is trying to collect, at least some of this money, from the current potential developers, to use for defraying the cost of future customers coming onto the line. Sol Wolf used possible scenarios for what could happen in this area. He said this is not an easy question and/or answer type of problem.

Sattazahn said he is surprised, and disappointed, that the Authority would sell 100% of capacity and then look to expand the line. It makes more sense to him that a percentage of the capacity would be reserved for tax-paying Twp residents wishing just one line, or maybe even two connections, and the rest of the available capacity would be for developers to apply for. When he checked into this he found this is what Jonestown does for their residents. Sattazahn said, in his opinion, it should be either that one new person asking for capacity should be responsible for the costs of expanding the line or everybody along that line should help bear the costs of the line. He said it does not seem fair that only the last few folks to tie on the line should foot the expense.

Special Purpose Tapping Fee (con't)

Sol Wolf repeated the Authority must do what the statutes require. The Authority would be required to provide the expansion of the lines, when the time comes that a request is made and the expansion becomes necessary. Whatever funds are not collected until that time, the Authority would be responsible for providing whatever remaining funds are needed to do the expansion. By law, the Authority must treat all the developers the same. When Sol Wolf mentioned a 3-year time frame Sattazahn corrected him saying the time limit for holding the funds is 10 years. Sattazahn referred to the mention of Narrows Glen paying into the expansion fund and having received all the money back due to the time limit expiring. Does he have it right that all the funds were returned to Narrows Glen? How is that fair, asked Sattazahn? He has 51 lots taking capacity. That is \$100,000 he got back, \$2000 for 51 lots said Sattazahn. If Narrows Glen would not be there, a ton of capacity would be available, said Sattazahn. Sol Wolf told Sattazahn that he makes an interesting point about Narrows Glen. It would have to be reviewed if the Authority could go back to Narrows Glen since the lots have not been completely developed yet. Sol Wolf told Sattazahn the problem is not just with Narrows Dr. The sewer flow is from Rte 422 also.

Sattazahn told the Supervisors he would like to know their thoughts as to whether or not they feel this is a fair and equitable way to go on this issue. He said he knows the Authority is autonomist from the Supervisors and do not have to get the Supervisors' permission for their fees. He would still like to know if they, as elected officials representing the Twp residents, have an opinion on this issue. Sattazahn said he got the feeling from Suv Hawkins, at the last meeting that she did not know what this fee was about. Sol Wolf told Sattazahn that the Board of Supervisors and the Municipal Authority meet at least once, sometimes twice a year to discuss common issues. Sol Wolf repeated that this is not an easy thing for the Authority to decide. He reminded Sattazahn that the Authority would be responsible for providing the capacity when developers apply, whether the capacity is available now or would have to be provided by an expansion of the lines. Suv Brensinger asked if he understands that the Authority would be responsible for creating capacity that is requested if there is no longer any capacity available? Sol Wolf said this would be a legal issue that the Authority would have to deal with at the time. The laws seem to benefit the developers, not the Authority. If a developer is willing to pay his share of creating that capacity, the Authority must look at the financial balance remaining to get that capacity until the Authority could recoup some of the costs from future developers. Sometimes developers are willing to agree to certain special arrangements to get the capacity. Sol Wolf said even if the Authority might think this is not fair, they are stuck with what the legal statues dictate the Authority to do. Sattazahn said again he is not intending to put the Supervisors on the "hot seat" but he is interested in knowing, at some point in time, their thoughts on this issue.

Sol Wolf suggested that Sattazahn consider laying the laterals to his vacant lot and not do anything about capacity at this time. In the future when he decides what he wants to do with this lot he could then pay for capacity. However he is running the risk of the capacity costs being even higher than the current \$2000 costs. Sattazahn agreed this was something he could consider. When asked who could provide him with those figures, Sol Wolf said Sattazahn should contact Sheila for those numbers.

B.)Charles Allwein – Martin Dr

Mr. Allwein said he had 2 questions for the Board. The first was about Spring Clean Up, which is scheduled for next week. He asked if ornamental grasses would be acceptable items for pick up. Suv Brensinger said although cut grass was something that would not be included, ornamental grasses is of a different nature and would be acceptable.

Allwein's second question was in reference to the manhole work being done on Sandhill Rd. He questioned if new manholes were being installed. Suv Brensinger replied the Wastewater Dept is rehabilitating the manholes. Once the finished paving is completed on Sandhill Rd, by PADOT, the manholes will have rings placed on them to keep the area level for driving.

APPROVAL OF MINUTES

MOTION was made and seconded to approve the minutes from April 2, 2007. 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 – Gerry Burke

Mr. Burke gave a report from 3 of the 4 fire companies for the month of March. Weavertown Fire Company did not submit a summary of their calls for the month of March. Burke also mentioned to the Supervisors the meetings between the North and South Relief Association are going well. Both groups are in total agreement about the dividing of the association.

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

Chf Easter gave a summary of calls for service from the month of March. A total of 242 calls were noted. NLT Police Dept was asked to assist other municipalities on 33 occasions and NLT received assistance on 20 occasions.

B.)National Night Out – Aug 7 @ Lions Lake Park.

Chf Easter stated that although August seems very far away right now, he wanted to inform everyone meetings for the planning of National Night Out are under way. The event will be held at the Lions Lake Park this year and he is expecting it to be very special.

C.)D.A.R.E. – Ebenezer Elementary

Chf Easter remarked that D.A.R.E. classes have begun at the Ebenezer Elementary School for 5th graders.

D.)New Cruiser Car

Chf Easter explained that one of the cruiser cars had been demolished when hit by a drunk driver. The replacement vehicle has now been received and is parked outside. He invited everyone to take the time to have a look at it. The graphics are of a new design and will be the new look for NLT Police cruisers.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine**A.)Arnold Acres, Inc. Final Subdivision Plan – 1 lot Weavertown Rd**

This subdivision plan shows a 1-lot residential dwelling. It is located off Weavertown Rd and is being divided from the remaining lands of Arnold Acres. It is located in the Industrial district and the Zoning Hearing Board granted a variance for a non-conforming use. A primary and replacement sewage absorption area is shown on the plan. The Sewage Enforcement Officer has signed off on the planning module. The Board is being asked to approve and sign the Park & Rec agreement; the Planning Module and the subdivision plan itself.

The Board discussed the large size of the lot shown on the plan. Tom Barton, of Brian G. Hockley & Assoc, explained the Hydro study showed a minimum area of 5.18 acres was required for groundwater recharge. He continued by explaining some of the clients' wishes for placement of the structure and some of the natural barriers they wished to utilize. This particular location also adjoins surrounding residential parcels. Barton discussed several of the questions the Supervisors had for him regarding stormwater and the calculations used for placement of structures. Bruce Sattazahn mentioned the rain garden design that was depicted on the plan for the stormwater area. He repeated his concerns about the continued maintenance for this type of landscaping and the ability of the property owners to continue the upkeep of the area. His concern is for the future and the complaints the Twp will be receiving from surrounding property owners. It was agreed this is an issue that will have to be reviewed as the majority of the plans are now depicting this type of solution for stormwater maintenance.

Arnold Acres, Inc. Final Subdivision Plan (con't)

Martin Barondick questioned how one lot could be changed. He was told the zoning is NOT being changed. The Zoning Hearing Board granted a variance for a non-conforming use. Bardondick then asked why Arnold would do this. He was told the lot would be for his daughter to build a home on.

MOTION was made and seconded to approve the Arnold Acres, Inc Final Subd. Unanimously carried.

RESOLUTION 10-2007 – PLANNING MODULE

MOTION was made and seconded to approve the Planning Module for the Arnold Acres Final Subd Plan. Unanimously carried.

MOTION was made and seconded to approve the Park & Rec agreement and accept payment of Parks & Recreation fees for the 1 lot final subdivision plan of Arnold Acres. Unanimously carried.

B.)Application for County Aid

Mgr Grumbine is providing the Board with an Application for County Aid in the amount of \$6489. This is the standard annual amount the Twp receives from the County's Liquid Fuels Tax Funds. The Twp is showing the W Kercher Ave paving project on the application. Once approved by the County Commissioners, the Board would receive reimbursement from the County following completion of the project. The funds must be expensed from our General fund and not co-mingled with our own Liquid Fuels Fund.

MOTION was made and seconded to sign the County Aid Application for the amount of \$6489 and forward to the County for use on the West Kercher Avenue paving project scheduled for the Twp in 2007. Unanimously carried.

C.)GLRA Annual Municipal Recycling Awards Program

The Supervisors have been invited to attend the annual Municipal recycling recognition achievement awards program to be held on Wednesday, May 2 at 7:00PM at the GLRA Maintenance Facility. North Lebanon Twp will be honored for outstanding recycling efforts for the year 2006. An RSVP is being requested. Supervisors Hawkins and Artz both agreed they would attend. Suv Brensinger said he could not commit at this time.

D.)Resolution No. 9-2007 – Street Lights for Narrows Glenn

The Board is being asked to authorize Met Ed furnishing lighting in the Narrows Glen development located off Narrows Dr. The lights will consist of (1) company owned 100-watt High Pressure Vapor Cobrahead light located in front of Lot 53 on Narrows Drive. Nine Company owned 100-watt High Pressure Vapor Ornamental Streetlights will be located in front of lots 15, 16, 17, 19, 21, 23, 25, and 26 Mallard Lane; as well as lot 27 at the intersection of Mallard Lane and Narrows Dr in the Narrows Glen development.

The cost of the nine ornamental streetlights have already been invoiced and paid by the developer. If any future problems, other than the lamp photo-control needing replaced and/or repaired, Met Ed will do the work and invoice the Twp at that time. The developer has been invoiced for electric costs for the entire year of electric service. The invoice has now been paid and we are ready to move forward with the installation and energizing of the streetlights. Mgr Grumbine is asking the Board to approve Resolution No. 9-2007. After some discussion about the requested lighting, the invoices that had been paid by the developer and the limited number of completed homes in this development, the Board agreed to approve the Resolution.

MOTION was made and seconded to approve Resolution No. 9-2007 for activation of streetlights in Narrows Glen. Unanimously carried.

E.)Maintenance Items/ Fuel Bids

The opening of bids was held on Friday, April 13. The results of the bids are being provided for the Supervisors' review. During the last meeting the Board discussed and approved the inclusion of the paving project being done by the Friends of Union Canal Tunnel Park with the Twp bids. The Union Canal project is being done by the Friends of Union Canal with grant funds received from DCED. Sol Wolf reviewed the documents received from DCED regarding the grant funds. There were certain requirements asked for that the Twp's bidding documents do not address. Sol Wolf has advised Jim Schucker of the Union Canal group to request a waiver on the items not addressed in the Twp bidding documents. As of this time we have not heard from Mr. Schucker on the outstanding issues. After hearing from Sol Wolf that they have 45 days in which to award the bids, the Board decided to table this issue in order to allow the Union Canal group some additional time to get their waiver documentation in order.

MOTION was made and seconded to table paving bids until further information is received about the Union Canal Park project and their DCED Grant funding. Unanimously carried.

MOTION was made and seconded to accept the submitted Bid from Meyer Oil for Unleaded Octane, Diesel Fuel, and highway diesel and also accept the Bid for heating oil and diesel to be delivered to the municipal building. Unanimously carried.

SOLICITORS REPORT - Frederick S. Wolf**A.)Ordinance Updates**

Sol Wolf mentioned the public hearing for the Ordinance updates has been scheduled for May 21st. A letter of comment has been received from County Planning listing several comments. Sol Wolf said he and Mgr Grumbine would be reviewing the comments before the scheduled hearing. At the end of this week he would be placing the advertisement for the Public Hearing.

B.)L.E.R.T.A. Request by LVEDC

Sol Wolf stated he has received word that the Cornwall-Lebanon School Board has decided they will be involved with L.E.R.T.A. program for the Lebanon Business Park once the Twp holds the public hearing and adopts the status that is required. A Resolution has been provided for review. The only issue is the legal description of the lands to be included in the L.E.R.T.A. program that had been provided. Once that information is revised this Ordinance will also be advertised for adoption. Once all the information for the Ordinance is correct and ready for the Hearing LVEC will be asked to submit the \$1500 fee to cover all expenses for the advertising and adoption of the Ordinance.

The public had some questions about the taxes that would be exempted. Sol Wolf repeated the Twp is not considering any tax relief for the business park. It is the school district that will be participating. It is not total tax relief that is involved. It is a sliding scale that goes into effect and adjusts over a specific number of years. He explained the Business Park is hoping to attract businesses to locate within the park. Chp Hawkins said it would be great to have the park filled and then the Twp would receive some tax revenue as opposed to the property sitting idle, as it is now.

C.)N 11th Ave RR Crossing

Sol Wolf told the Supervisors the closing brief has now been filed for the N 11th Ave railroad crossing. All information will be reviewed and it could be June or July before anything is heard.

D.)On-Lot Program Administered by County Planning

Sol Wolf reported that County Planning has furnished the final report to the Township regarding the on-lot program. Out of approximately 1000 property owners only 6 are non-compliant at this point. County Planning has determined the Twp should decide how to handle these 6 remaining property owners. Sol Wolf will be sending a letter to the property owners to give one last opportunity to become compliant.

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

Respectfully Submitted,

Theresa L. George
Recording Secretary