

**MINUTES
NORTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS
DECEMBER 17, 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 Township Manager
Harold L. Easter Chief of Police
Solicitor Frederick S. Wolf Henry & Beaver LLP

Also in attendance was Roger Sands of the Patriot News and many other individuals. The meeting was called to order and the pledge to the flag was done.

COMMENTS FROM THE PUBLIC

A.) Charles Allwein – Martin Drive

Mr. Allwein told the Board that he appreciates the Community Directory Map that he had received in the mail. He finds the map very useful and encouraged the Supervisors to continue with this service. Suv Brensinger explained the sponsors ads that are around the border of the map paid for the finished product. The girls in the office worked with the company to put together the information for the printed material. The Supervisors stated they were pleased to hear Allwein’s comments.

APPROVAL OF MINUTES

MOTION was made and seconded to approve the minutes from December 3, 2007. Unanimously carried.

APPROVAL PAYROLL and PAYMENT OF INVOICES

MOTION was made and seconded to approve payroll, invoices for payment subject to audit. Unanimously carried.

POLICE CHAPLAIN REPORT – Pastor Dean Cover

Pastor Cover reported he has participated in several ride a-longs since the last Supervisor meeting he had attended. He stated he has also been involved with encouraging the injured Officers and assisting them in any way he is able. Another project he was involved in was the Annville Police Department and helping to get a Chaplain established for that department. Pastor Cover repeated he finds being able to provide this service to the Officers rewarding.

The Supervisors expressed their appreciation to Pastor Cover for his assistance to the Police Officers and families during the time they receive news of a death of a family member.

CHIEF OF POLICE REPORT - Harold Easter

A.) Calls for Service – November 2007

Chf Easter gave a summary of the calls for service within the month of November. The high day was Thursday for this particular month.

B.) D.A.R.E. Graduation @ Union Canal

Chf Easter reported Officer Rudy will be participating in his first graduation as a DARE instructor. Graduation for the Union Canal students will be held on Wednesday, December 19 @ 9:30AM.

C.) Bomb Threat LV Mall – 11/17/07

Chf Easter reported to the Board on a bomb threat that the Police Dept had responded to at the Lebanon Valley Mall on Monday, November 17th. He stated he was very pleased with all the support they received from the surrounding municipality emergency agencies. The response was quick and very helpful. Some discussion took place about the costs involved with false threats such as this one.

Letter of Appreciation

Chp Hawkins read a letter the Twp had received from the General Manager of the Mall. He commended the Police Dept and Chf Easter for their dedication and efficient work during the bomb threat incident.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine**A.) Resolutions No. 32-2007 and 33-2007 – Police Pension Fund**

A meeting was held last week with two Police representatives, Dave Killick (Actuary) Ass't Mgr Wartluft and Mgr Grumbine. Mgr Grumbine is providing proposed Resolutions No. 32-2007 and 33-2007 which will replace the previously adopted Resolution No. 23-2007 concerning the Minimum Municipal Obligation and Resolution No. 24-2007 setting the required contribution rate by the Police Officers for the Police Pension Plan. The revised 2008 MMO reflects a 4% instead of 5% contribution requirement by the Officers. Mgr Grumbine is suggesting the Board adopt Resolution No. 32-2007 regarding the Twp's obligation and Res. No. 34-2007 regarding the officers' contribution for the Pension Plan.

MOTION was made and seconded to adopt Resolution 32-2007 and Resolution 33-2007 regarding the Officers' Pension Plan and obligations. Unanimously carried.

B.) 2008 All Funds Township Final Budget; Resolution No. 34-2007

During the November 17 meeting the Preliminary 2008 Budget was introduced and reviewed with the Board and the public. The Budget was posted on the Twp website and advertised its availability in the Twp office for review by the public. Slight changes have been made since that time in regards to the unemployment compensation rates and to adjust the police contribution of 4%, as just discussed. Mgr Grumbine is presenting the 2008 All Funds Final Budget for the Board's adoption as well as Resolution No. 34-2007 for setting various tax rates of the Twp. Mgr Grumbine read Resolution No. 24-2007 for the general public.

The Supervisors asked for any comments from the public. Suv Hawkins asked her fellow Board members if they had any comments and if they were ready to act on the Final All Funds Budget for 2008.

MOTION was made and seconded to adopt the All Funds Budget for 2008 and adopt Resolution No. 34-2007 setting the various fees for the Twp. Unanimously carried.

C.) Withdraw of Bruster's Land Development Plan

Mgr Grumbine announced the Bruster's Ice Cream Subdivision and Land Development Plan will be withdrawn from further consideration and review. A written request was received from their engineer. A letter dated December 6th from Lebanon County Planning was received stating their request was accepted. The plan has been removed from any further review. Mgr Grumbine told the Board no action on their part is necessary and this is just for their information.

D.) Zoning Amendment Request – Landmark Builders

Landmark Builders have submitted a request to rezone 1.9 acre portion of land from the Nine Forty-one Farm. They are requesting to go from R-1 to R-2 high density residential. A date should be set by the Board to hold a public hearing regarding this petition. All surrounding property owners will be notified of the date as well as the petitioner. Landmark attended the December 10 meeting of the Planning Commission to explain their request in order to review and make a recommendation to the Board of Supervisors. The Commission will probably make a recommendation at their January meeting. Lebanon County Planning will also be making a recommendation to the Supervisors.

Zoning Amendment Request (con't)

Mgr Grumbine is suggesting the date for the public hearing be set for the second meeting in February so that Sol Wolf is present for the public hearing. Sol Wolf will be required to advertise the public hearing date. He will also prepare a draft of an Ordinance that the Board will have to consider.

MOTION was made and seconded to schedule Monday, February 19, 2007 as the public hearing for the Zoning Amendment request from Landmark Builders. Unanimously carried.

E.) Pertinent Matters

Tire Collection for 2008 will be held on Friday, April 18, 2008 at the Lebanon Valley Expo Center. Phil Hall had made the announcement at the last Commissioners meeting. Mgr Grumbine reminded the Supervisors that \$800 had been set aside from the Special Projects Fund for this collection. This amount has been sufficient in the previous years. She will keep the Board informed as the information is provided.

C.M. High Proposal to repair the traffic signal loops located at N 15th Ave and Rte 422 (E Cumberland St) has been received by Suv Brensinger. During the last meeting a discussion was held about the traffic loops not functioning properly and the Board had agreed that Suv Brensinger should request a proposal to repair the loops so that they are functioning properly again. Suv Brensinger told his fellow Board members that he was reasonably pleased with the quote as he had expected it to be much higher. Martin Barondick asked what amount was quoted. Suv Brensinger told him it was just shy of \$3300.

MOTION was made and seconded to approve the quote received from C.M. High for the repair of the traffic loops located at the N 15th Ave and E Cumberland St intersection and pursue contacting PADOT about getting reimbursement as this is a PADOT intersection. Unanimously carried.

7:30 PM – PUBLIC HEARING – Solicitor Frederick S. Wolf
Ordinance 4-2007 – Local Services Tax
Ordinance 5-2007 – Access Management
Ordinance 6-2007 – L.E.R.T.A.

PUBLIC HEARING BEGAN 7:30 PM

Sol Wolf explained the Public Hearing procedure and all the requirements that were followed to have this hearing. The Public Hearing was advertised as required by the MPC. A copy of each of the proposed Ordinances was posted and available in the Twp office for review. Each person who wishes to comment is asked to show their hand, state their name and address and then offer their comment.

Ordinance No. 4-2007 – Local Services Tax

This Ordinance deals with the re-adoption of the previously named EMS tax. This is the \$52 everyone who works within North Lebanon Twp is required to pay. The existing Ordinance for the EMS tax expires at the end of this year. Sol Wolf read through the highlights of the Ordinance. There has been no change in the amount of \$52 however the collection process has been revised and mandated in this new Ordinance.

Q: Suv Hawkins asked should this Ordinance be adopted this evening, will the Board have to adopt it annually. Or is one adoption all it will take?

A: Sol Wolf said it will only be adopted once. Future amendments will be acted upon at the time the amendment is offered.

Q: Suv Artz questioned who is responsible for collection of the tax.

A: Sol Wolf replied E.I.T. collects the tax for North Lebanon Twp.

Ord No. 4-2007 – LST Tax (con't)

Some discussion took place about the \$12,000 minimum of income listed in the Ordinance. Sol Wolf stated the requirements are spelled out in the statutes for the collection of this tax. Also there are forms provided for completion by individuals who know they will not meet the requirement.

MOTION was made and seconded to adopt Ordinance No. 4-2007 for the Local Services Tax. Unanimously carried.

Ordinance No. 5-2007 – Access Management

Sol Wolf summarized this ordinance that would pertain to certain streets located in the township that are state and Twp roads. During the subdivision and land development process future planning is done for access to major roadways. This ordinance would then come into play. It will help the township control safety and access to main roads. The ordinance is designed to allow for some modifications, determined by the township, as needed. Sol Wolf asked for questions or comments from the public and/or the Supervisors.

Q: Suv Artz questioned the specific streets listed in the ordinance. Does that mean that not all streets located in the township are included in this ordinance?

A: Sol Wolf said there are other streets that could be considered by the County MPO and the city for this management practice. That is where the modification process comes into play. The streets currently listed are the streets that were felt to be the most problematic at this time.

Mgr Grumbine explained that she and Roadmaster Brensinger had met with Tom Kotay and along with Dan Kueper's input outlined the streets that were major thoroughfares. After the process has been implemented and situations show a warrant for additional streets to be added, the ordinance could then be modified to adapt to the township's needs.

Q: Suv Hawkins questioned the plans that are currently under review. Are they included in this ordinance?

A: Sol Wolf stated that usually they are not included. However there are some specific rules that might make the new ordinance applicable, depending on the circumstances. If there are foreseeable hazards, a discussion with the developers will sometimes convince them to see that the ordinance would be applicable for safety reasons.

C: Suv Brensinger mentioned the Bruster's plan which has been pulled from review. Should they decide to resubmit the plan, they would be forced to follow the new ordinance.

MOTION was made and seconded to adopt Ordinance No. 5-2007 which provides guidelines for Access Management. Unanimously carried.

Ordinance No. 6-2007 – L.E.R.T.A. Ordinance (Local Economic Revitalization Tax Assistance)

Sol Wolf reminded everyone that this was a request from the LVEDC in regards to the remainder of the Lebanon Rails Business Park located in North Lebanon Twp. The Twp had adopted several years ago, an L.E.R.T.A. status for the Valspar property that is located within this Business Park. This ordinance will allow the 3 taxing agencies the ability to approve tax breaks to the property owners within the park. When the Twp had been asked several years ago to grant a tax break to Valspar, they had voted against it. However the County and the School District had approved the tax break. Each taxing agency will make its own determination on the request. By adopting this ordinance, it is hoped, by the LVEDC, that businesses would be encouraged to locate within the business park.

Q: Martin Barondick questioned if every business that plans to build in the business park will have to approach the Twp Supervisors to ask for tax relief?

A: Sol Wolf stated that would not necessarily be the case. It would affect the lands within the park that have not been developed yet.

Ord. No. 6-2007 – LERTA (con't)

Charles Blankenship, LVEDC's CEO, explained the purpose of this ordinance is to attract businesses to locate within the park. Tax abatement is a method to get their attention. According to Mr. Blankenship, by attracting these businesses to North Lebanon Twp it should increase the actual tax base and help to create thousands of jobs. The tax abatement is part of the marketing for the business park. Mr. Blankenship continued on to explain some of the advantages he sees with this tax abatement.

Q: Barondick questioned the Valspar plant being able to come back to the Supervisors to ask for tax relief, should they decide to grant tax relief to other businesses located in the park.

A: Mr. Blankenship responded that Valspar would not be able to request tax relief because they were already denied by the Twp when new construction was being done. There must be some new construction being done to the property, whether it is a new building or an expansion project. The tax relief could be requested for the new construction of the expansion area only, not the existing building. However the request for tax relief from the Twp cannot be made randomly.

Q: Charles Allwein asked if the Twp must adopt this ordinance in order for the County and the School to offer tax relief to the businesses.

A: Sol Wolf confirmed this to be true.

Q: Suv Hawkins asked if SABVI will be granted this tax relief.

A: Mr. Blankenship stated that SABVI has already started construction and would not be eligible.

C: Suv Hawkins said her concern is not the attraction of "good companies" rather companies that will remain and not leave the area as soon as their tax relief has expired.

MOTION was made and seconded to adopt Ordinance No. 6-2007 creating a L.E.R.T.A. status for the remaining properties located within the Lebanon Rails Business Park owned by the Lebanon Valley Economic Development Corporation. Unanimously carried.

Sol Wolf stated that is the conclusion of the Public Hearing portion of this meeting. The hearing ended at approximately 8:09 PM and the regularly scheduled meeting started again.

SOLICITORS REPORT - Frederick S. Wolf**A.) N 11th Avenue RR Crossing**

This issue has been in process for several months now. The Twp has appealed the decision handed down by the PUC. Almost all the parties involved in this action have appealed the decision. Sol Wolf said we are back to the waiting game.

B.) Athletic Association Agreement

Sol Wolf reported to the Supervisors that the Park & Recreation Board has been working with Sheila to draft an agreement for the non-profit sports associations who use the Township owned fields. The agreement will be offered to the sports associations to review and offer any input they might have regarding the agreement. Sol Wolf told the Board this project was something the Park & Rec has been working on for quite some time. Once this recreation agreement is adopted and put into place any sports association using the Twp fields will be required to sign the agreement and provide a fee to the Twp. A discussion took place regarding this new agreement and fee. Mgr Grumbine stated it is her understanding the associations will be given a copy of the agreement in 2008 and will not be required to pay a fee until 2009. This will give the associations a year of prior knowledge of what is expected from them in 2009.

Suv Brensinger asked about a "hold harmless" clause. Sol Wolf explained the legalities of such a clause when dealing with non-profit organizations and agreed to include a hold harmless clause in the agreement. Some more discussion took place about the legal aspects of such an agreement.

Athletic Association Agreement (con't)

The decision was made to approve the revised forms being provided to the Athletic Associations for their input before finalizing the agreement form to be used in 2008. However the draft of the form will left open ended in order to make revisions.

C.) Progress of North/South Lebanon Fireman's Relief Assoc. Split

Sol Wolf stated we are now at the point with the split of the North and South Lebanon Fireman's Relief Assoc that all outstanding financial statements must be completed. A complete audit of all financial records for the North & South Lebanon Fireman's Relief must be completed. The State has now approved the disbanding of the current association and approved the charter for the new North Lebanon Fireman's Relief Assoc. The new charter is required to be advertised and this has been completed. Once all the requirements are met, any funds remaining from the former Relief Assoc will be split evenly between North Lebanon and South Lebanon organizations.

D.) E.I.T. Representation

Sol Wolf reported to the Supervisors on a meeting that had been held with the municipalities and the E.I.T. Board last week. He explained that the majority of attendees were solicitors for the municipalities as the conversation was mainly regarding legal issues. He told the Board he feels the request from the municipalities to have a representative on the E.I.T. Board is a reasonable request. With all the municipality money being handled by EIT, they should have representation on the Board. Further discussion was held about the whole E.I.T. situation.

COMMENTS FROM THE BOARD MEMBERS**A.) Suv Ken Artz**

Suv Artz stated he has nothing more to add to any of the discussions tonight. However he does want to wish everyone a Merry Christmas.

B.) Suv Ed Brensinger

Suv Brensinger stated he wanted to publicly thank all the volunteer firemen and emergency personnel that have given of their time with all the situations that arose from the recent bad weather. He said these people do not receive enough recognition for the hours they volunteer to the residents of the Twp. He wants them to know how much he appreciates what they do.

The other announcement he wanted to make was to do with the debris that resulted from the ice storm. The Twp will be having a collection very similar to the one done in the spring and fall. It will be a curbside pickup and probably will continue for as long as 2 weeks due to the amount of debris that has fallen.

Suv Brensinger said his final remarks are to Cheri Grumbine and Fred Wolf. He wanted to publicly thank them for their dedication to the E.I.T. situation. They both have committed themselves to staying informed and current with this situation as it changes and emerges. Other than these issues Suv Brensinger wished everyone a Merry Christmas.

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

Respectfully Submitted,

Theresa L. George
Recording Secretary