

**DRAFT MINUTES OF THE ANNVILLE TOWNSHIP  
BOARD OF COMMISSIONERS  
May 7, 2019**

The May Regular Monthly Meeting of the Annville Township Board of Commissioners was held starting at 7:00 PM on May 7, 2019 in the Commissioners' Room of Annville Town Hall, 36 North Lancaster Street, Annville, PA with the following members present: Rex A. Moore, President; Thomas R. Embich, Treasurer; and Nevin R. Hoover. Also in attendance were Nicholas T. Yingst, Township Administrator and Secretary to the Board of Commissioners; Karen Gerhart, Assistant Township Administrator; Bernard Dugan, Chief of Police; Corey Lamoureux, Esq., Township Solicitor; Brian and Dean Wolfe, West Main Street; Mike Rotunda, Rotunda Brewing Company; Sean Frederick, Barley Snyder; and one unidentified individual.

President Moore called the meeting to order and led those present in the Pledge of Allegiance to the flag of the United States of America.

Henri B. Lively, Vice President of the Board of Commissioners, arrived at the meeting at 7:01 PM.

**RECOGNITION OF VISITORS AND OPPORTUNITY FOR PUBLIC COMMENT:** Mr. Yingst noted that Attorney Sean Frederick of Barley Snyder was present to answer any questions the Board might have pertaining to the proposed ordinance whereby the Township would assume the debt of the Economic Development Authority that would be considered as a Special Order of Business later in the meeting. President Moore welcomed Mr. Frederick and then provided an opportunity for public comment and the following comments were noted from those in attendance:

**Request for Waiver of Open Container Regulations for Rotunda Brewing Company (RBC) for Historic Old Annville Day (HOAD):** Mr. Rotunda, who was listed on the agenda, was recognized for comment and he shared that RBC wished to have a "beer garden" at the front of its business at 245 West Main Street on June 8, 2019 for HOAD for the sampling and purchase of its product. He indicated that the outdoor area where the drinks would be served and consumed would be roped off, and those monitoring the area would be RAMP (Responsible Alcohol Management Program) certified with direct supervision by him. It was noted that the Friends of Old Annville were supportive of this, and it was further noted that RBC was granted an Exposition Permit from the Pennsylvania Liquor Control Board (PLCB) to conduct tastings in individual portions as permitted by law (four fluid ounces of a malt or brewed beverage) and the sale of alcohol on this date. Chief Dugan recommended that, if the Board of Commissioners was supportive of this, it would need to grant a waiver of its open container regulations. Mr. Lively asked about the size of the glasses and Mr. Rotunda indicated they would be between 12 to 16 ounces for purchase and four ounces for tastings. Mr. Hoover asked if a precedent was being set if the waiver was granted. Mr. Rotunda noted that the approval from the PLCB was an extension of the business's catering license, which was much less expensive than an extension of a regular liquor license; he noted this may make it cost prohibitive for other establishments to seek such a permit from the PLCB if they do not have a catering license. President Moore asked if only RBC beers would be available for sale and Mr. Rotunda confirmed this, further noting he could provide proof of insurance if the Commissioners wished. Mr. Embich asked about children's access and Mr. Rotunda noted that children were always welcome at the Batdorf Restaurant, but rarely were present at RBC because it was a brewery. Mr. Rotunda further noted he could require bracelets for those aged 21 or older in the roped off area or, if the Commissioners preferred, only admit those aged 21 or older to that area. Mr. Embich expressed his discomfort with having a beer garden present at a family event such as HOAD. Mr. Rotunda indicated he was open to whatever the Commissioners believed

would make this workable. President Moore asked Chief Dugan if he had any concerns and the latter indicated that everything looked to be in order from his standpoint, noting he saw no reason why this could not be controlled appropriately and, if it was not, the Commissioners could choose to not grant such a waiver in the future. Mr. Hoover also expressed his concerns about this at a family event. Mr. Lively shared why he believed this was different than the “Sip and Stroll” in Quittie Creek Nature Park for which he had voted against granting a waiver in years past. Per a question from President Moore, Mr. Rotunda indicated the size of the roped off area would be approximately 100 square feet and would have only one access point. The latter also noted they would begin serving in the roped off area at 10 AM and last call would be at 1:30 PM. With no further questions noted, the Commissioners thanked Mr. Rotunda for his comments and indicated they would consider action on his request later in the meeting.

Matthew Shirk, North Cornwall Township, arrived at the meeting at 7:11 PM.

**APPROVAL OF MINUTES: MOTION** by Mr. Lively, second by Mr. Hoover to approve the minutes of the Regular Meeting held April 2, 2019 as presented. Motion carried unanimously.

**SPECIAL ORDERS OF BUSINESS:**

**Request for Waiver of Open Container Regulations for RBC for HOAD:** In response to Mr. Rotunda’s request during Public Comment, **MOTION** by Mr. Lively, second by President Moore to grant a waiver from the open container regulations of Section 6-202 of the Annville Township Code of Ordinances to RBC per the Exposition Permit granted by the PLCB from 9 AM until 2 PM on June 8, 2019 for HOAD. Motion carried by a vote of three to one with President Moore, Mr. Lively, and Mr. Hoover voting in favor of the motion and Mr. Embich voting against it.

Mr. Rotunda left the meeting at 7:18 PM.

**Ordinance No. 671 – Assumption of Economic Development Authority (EDA) Debt:** The Commissioners were provided with the opportunity to ask Mr. Frederick any questions they had pertaining to the assumption of the EDA debt represented in proposed Ordinance No. 671, which had been presented to the Commissioners for their consideration. It was noted that the ordinance was properly advertised and could be considered for adoption. In response to a question from Mr. Embich, Mr. Frederick provided some information on the reclassification of this debt from lease rental debt to nonelectoral debt, which would have a slight impact upon the Township’s borrowing base upon which any future debt would need to account. With no further comments or questions noted, **MOTION** by Mr. Embich, second by Mr. Hoover to (1) adopt Ordinance No. 671 as presented and (2) authorize the execution of the necessary documents for the assumption of the EDA debt by the Township authorized by this ordinance by the appropriate Township officials. Motion carried unanimously and a copy of this ordinance is attached hereto and made a part of these minutes.

Mr. Frederick left the meeting at 7:22 PM.

**REPORTS OF STANDING COMMITTEES:**

**Public Works:** The Public Works Report for April 2019 was reviewed, a copy of which is attached hereto and made a part of these minutes. In response to a question from Mr. Embich about damages to a Public Works truck and equipment due to a recent accident in which it was involved, Ms. Gerhart provided an update on the anticipated receipt of proceeds from the other driver's insurance company as the latter was at fault in the accident.

**Public Safety:** The Police Statistical Report for April 2019 was reviewed, a copy of which is attached hereto and made a part of these minutes. The following items were then addressed:

**Authorization of Handicapped Parking Space on North Lancaster Street:** Noting a request was received for same, **MOTION** by Mr. Lively, second by Mr. Embich to (1) authorize the painting of and installation of appropriate signage for a handicapped parking space at 245 North Lancaster Street and (2) instruct the Township Administrator to memorialize this action in an upcoming omnibus ordinance. Motion carried unanimously.

**Prohibition of Parking on North Side of East Lebanon Street:** At the request of Chief Dugan and noting that parking is currently prohibited on the south side of this portion of roadway, **MOTION** by Mr. Hoover, second by Mr. Embich to (1) prohibit parking on the north side of East Lebanon Street from North White Oak Street to North Manheim Street, (2) authorize the placement of appropriate signage indicating same, and (3) instruct the Township Administrator to memorialize this action in an upcoming omnibus ordinance. Motion carried unanimously.

**Closure of East Sheridan Avenue and Special Waiver from the Noise Regulations for Harrisburg Symphony Orchestra (HSO) Concert:** Noting a request was received for same from Lebanon Valley College (LVC), **MOTION** by Mr. Lively, second by Mr. Hoover to (1) authorize the closure of East Sheridan Avenue from North White Oak Street Extension to North College Avenue from 6:30 PM to 11:00 PM on July 1, 2019 for the annual HSO Independence Day Concert on the LVC academic quad and (2) grant a special waiver from the noise regulations in Part 8 of Chapter 6 of the Township Code of Ordinances specific to this event from 10:00 PM to 11:00 PM. Motion carried unanimously.

**Request for Fire Police Assistance Outside of Annville Township:** At the request of Chief Dugan, **MOTION** by Mr. Embich, second by Mr. Hoover to authorize the Fire Police to provide assistance for (1) the Charity Cycle Ride at Gravel Hill United Methodist Church on September 21, 2019 and (2) the Fall Feeding Frenzy 5K at Londonderry Village on October 12, 2019. Motion carried unanimously.

**Resignation of Part-Time Police Officer:** Mr. Yingst reported that Nickolas Basov, part-time police officer, resigned from employment with Annville Township, effective April 23, 2019. **MOTION** by Mr. Embich, second by President Moore to accept the resignation of Nickolas Basov from employment with Annville Township, effective April 23, 2019. Motion carried unanimously.

**Hiring of Part-Time Police Officer:** At the recommendation of Chief Dugan, **MOTION** by Mr. Lively, second by Mr. Embich to ratify the hiring of Benjamin Sutcliffe as a part-time police officer as a provisional appointment effective May 7, 2019. Motion carried unanimously. Mr. Hoover

asked how many hours Officer Sutcliffe would be working and Chief Dugan indicated it would be based upon need.

“Jake Brake” Prohibition Request: Mr. Yingst reported that a request was submitted to the Pennsylvania Department of Transportation (PennDOT) on April 4, 2019 requesting that the Township be authorized to enforce Jake brake restrictions for State Route 422 from Mill Street in the west to Third Avenue in the east and on State Route 934 from Sheridan Avenue in the north to High Street in the south, emergency vehicles being exempted from such restrictions. He further reported he received a letter from PennDOT indicating it would be performing engineering and traffic studies to determine its response to the request, and such response should be issued within 60 days.

Contracted Police Coverage for South Annville Township: Mr. Yingst reported that a draft agreement for police coverage for South Annville Township was submitted to South Annville officials for their review and input on April 11, 2019.

**Property:** The following items were addressed:

Township Office Floor Refinishing Project: Mr. Yingst reported that the Township Office floor refinishing project was completed and he expressed his satisfaction with the final result. He also noted he had authorized a change order for the installation of shoe molding for \$285.00 and asked for ratification of this, noting that the overall cost for the project had not exceeded the 2019 budget for this line item. **MOTION** by President Moore, second by Mr. Lively to ratify the change order noted above. Motion carried unanimously.

Town Hall Window Replacement Project: Mr. Yingst reported that he met with four contractors to obtain quotes for the Town Hall window replacement project and he was hoping to have them received and ready for review and approval by the Board in time for its June 4, 2019 meeting.

**Parks & Recreation:** The following item was addressed:

Doc Fritchey Chapter of Trout Unlimited (DFCTU) Picnic: At the request of the DFCTU and noting the Quittie Park Committee’s concurrence, **MOTION** by Mr. Hoover, second by Mr. Lively to authorize the DFCTU’s Picnic in Quittie Creek Nature Park on the grass near the main parking area to be held on July 23, 2019 from 6 PM until dark. Motion carried unanimously.

**Finance:** Mr. Embich reviewed the Financial Report for April, highlighting the total income and expenses for the fourth month of 2019. A copy of the report is attached hereto and made a part of these minutes. In particular, there was discussion about the temporary impact to the Trash Collection Fees revenue account in the General Fund, the Sewer Rentals revenue account in the Sewer Fund, and the MS4 Fees revenue account in the MS4 Fund due to routine 2018 year-end adjusting journal entries that would be roughly offset by similar adjusting journal entries at the end of 2019.

**Permits:** The Permits Report for April 2019 was reviewed, a copy of which is attached hereto and made a part of these minutes. Noting the last time the street cut permit fee had been increased was

in 2013, President Moore asked the other Commissioners if it was time to consider raising this fee again. Mr. Yingst indicated he would reach out to other municipalities to see what they were charging for street cut permit fees and report back to the Board with that information.

**Annville Activities:** Nothing to report this month.

**MOTION** by Mr. Lively, second by Mr. Hoover to approve the reports of the Standing Committees as presented. Motion carried unanimously.

**REPORTS OF SPECIAL COMMITTEES:**

**Executive Sessions:** Mr. Yingst reported that no Executive Sessions were held since the April Regular Meeting. An Executive Session was requested to be held following the adjournment of the evening's meeting to discuss personnel matters pertaining to the collective bargaining negotiations.

**Planning Commission:** Mr. Yingst reported the Planning Commission (PC) met on April 8, 2019 to continue its review of the preliminary land development plan submitted for Phase 3B of Stone Hill Village and it was noted the draft minutes from that meeting were previously distributed to the Township Commissioners. He also noted the May 13, 2019 meeting where the PC had anticipated continuing its review of this preliminary land development plan would likely be cancelled due to a quorum not being available and he was determining if another date in May for this meeting could be scheduled. The following items were then addressed:

**Letters of Interest for Appointment to the PC:** Noting that the passing of long-time Chairperson Gordon Kirkessner had resulted in a vacancy on the PC, Mr. Yingst reported a notice was posted at Annville Town Hall and on the Township website requesting letters of interest from any residents who wished to be considered for appointment to fill this vacancy. The deadline to submit a letter of interest is 5 PM on May 22, 2019 and the PC would evaluate any potential candidates and make a recommendation to the Board of Commissioners thereafter.

**Stormwater Management Plan for 126-128 South Cherry Street:** Mr. Yingst reported a stormwater management plan had been submitted for the property at 126-128 South Cherry Street and the Township Engineer was waiting on a resubmission of the plan pertaining to some recommendations he had made.

**Economic Development:** Nothing to report this month.

**Historic Architectural Review Board (HARB):** Mr. Embich reviewed the HARB Report for April 2019, a copy of which is attached hereto and made a part of these minutes.

**Wage & Salary:** Nothing to report this month.

**Spruce Street Bridge:** Mr. Embich reviewed the Spruce Street Bridge Report for April 2019, a copy of which is attached hereto and made a part of these minutes. He also noted that the engineers

for the bridge replacement project indicated the bridge may be open to traffic by the end of the month.

**Municipal Separate Storm Sewer System (MS4):** Mr. Embich reviewed the MS4 Report for April 2019, a copy of which is attached hereto and made a part of these minutes.

**Greater Lebanon Refuse Authority (GLRA):** Mr. Embich reviewed the GLRA Report for April 2019, a copy of which is attached hereto and made a part of these minutes.

**Fire Department:** The Board noted the receipt of the April 2019 Fire Chief's Report and Monthly Statistical Report for the Union Hose Company (UHC). The following items were then addressed:

**Donation to Fire Department:** Noting that the UHC had provided its 2018 Federal Form 990 to the Township the prior month, **MOTION** by Mr. Lively, second by Mr. Hoover to release \$32,000, which is half of the Township's 2019 donation, to the Fire Department. Motion carried unanimously.

**Joinder of Fire Companies:** Mr. Lively shared an update on the status of the joinder discussions between the UHC and the Cleona Fire Company. He noted the discussions seemed to have stalled over the past few months and he shared the reasons he believed this happened, further noting the two fire companies would be meeting later in the month to evaluate the pathway forward. Mr. Embich asked if there were any guarantees the merger would go through and Mr. Lively indicated there were not. In response to a question from Mr. Hoover, Mr. Lively expressed his confidence the fire companies were aware of the Township's belief that the joinder was beneficial and necessary for the long term sustainability of volunteer fire service, and the Commissioners then discussed this at some length.

**MOTION** by Mr. Lively, second by Mr. Embich to approve the reports of the Special Committees as presented. Motion carried unanimously.

**OLD BUSINESS:**

**First Aid and Safety Patrol (FASP) Emergency Medical Services (EMS):** It was reported that Mr. Hoover, Mr. Yingst, and Chief Dugan attended a meeting with FASP Executive Director Bryan Smith on April 26, 2019 where members of the FASP Board of Directors and a South Annville Township official were also present. It was noted that FASP provided some information on its operations and addressed some financial matters pertaining to the completed audit for the 2017 financial statements. It was also noted that FASP was no longer asking for emergency funding for 2019, but would be asking for a 2020 funding commitment from the participating municipalities, Annville Township's share being \$23,835. Mr. Hoover shared his thoughts on the meeting, noting he was encouraged by Mr. Smith's presentation. He also noted that a significant portion of the presentation pertained to FASP's capital needs such as vehicles and equipment. Mr. Hoover then expressed his support for Mr. Yingst's recommendation to FASP that there be municipal representation on the FASP Board of Directors, while indicating he was not sure what this would look like and one of the Directors in attendance at the meeting seemed skeptical of this. Mr. Yingst reminded the Board that he, Mr. Hoover, and Chief Dugan would also be meeting with

representatives of Life Lion EMS later in the week to review its proposal for EMS services and invited the Commissioners to attend if they so desired.

**Condemned Property at 100 North Weaber Street:** Mr. Lamoureux reported he heard back from a representative of the Internal Revenue Service (IRS) to see if the IRS would be willing to waive its liens against the property at 100 North Weaber Street. The IRS representative suggested that if the Township wished the property to change hands to facilitate its restoration, the best course of action was to allow the property to go to Tax Sale, rather than forcing a Sheriff's Sale against it. This is because although the IRS was unlikely to redeem the property at Tax Sale, it was also unlikely to waive its liens at a Sheriff's Sale. The Commissioners appeared to concur that allowing the property to go to Tax Sale was its best alternative.

**Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM):** Mr. Yingst reported that over the past month his office was contacted by several of the property owners who were sent letters notifying them that portions of their properties with structures on them were being removed from the floodplain per the preliminary FIRM being proposed by FEMA. He also reported that four residents representing three affected properties were in attendance at the informational meeting to discuss this on April 22, 2019 that was led by the Township's Emergency Management Coordinators.

**Automated Red Light Enforcement (ARLE) Grant Pedestrian Improvements:** Mr. Yingst reported that the easement agreements pertaining to signage and curb cuts funded by the ARLE grant for the Reformed Church and Cemetery (Christ Church) property at 200 South White Oak Street, the Annville-Cleona School District (ACSD) property at 205 South White Oak Street, the Kerry S. Yake property at 246 South White Oak Street, and the Brandon L. and Kacy Hess property at 250 South White Oak Street were submitted to these property owners over the past month. He noted that he and Chief Dugan met with ACSD Superintendent Dr. Cheryl Potteiger about the agreement and, after making some minor changes, believed ACSD was amenable to it and would be considering this at the May meeting of the School Board. He also noted the church seemed amenable to approving the agreement if the language requiring repairs and maintenance by the property owner were made the responsibility of the Township. The Commissioners discussed this and concurred with the change proposed by the church.

#### **NEW BUSINESS:**

**Request for Special Waiver from Noise Regulations:** Mr. Yingst reported correspondence was received from the attorney for Jeffrey and Brandi Herb of 626 East Main Street requesting a waiver from the Township's noise regulations on Saturday, July 13, 2019, to allow musical groups to perform outdoors at their property until 11:00 PM. He further reported that while the Herbs and their attorney could attend the June 4, 2019 meeting, they would be appreciative of review and possible approval in advance of that meeting so they could have more time to schedule the musical groups. Following discussion on this request, **MOTION** by Mr. Lively, second by Mr. Embich to grant a special waiver from the noise regulations in Part 8 of Chapter 6 of the Township Code of Ordinances specific to this event from 10:00 PM to 11:00 PM on July 13, 2019. Motion carried unanimously.

**CORRESPONDENCE:** Nothing to report this month.

**PAY BILLS: MOTION** by Mr. Embich, second by Mr. Hoover to ratify the actions of the Township Administrator regarding payment of debts shown on the Finance Report (Cash Disbursement Journals of the various funds). Motion carried unanimously.

**ADDITIONAL PUBLIC COMMENT:** Mr. Shirk, a candidate for Lebanon County Commissioner, distributed information to the Board indicating his desire to attend two meetings of the Annville Township Board of Commissioners annually if elected County Commissioner.

**ADJOURNMENT:** There being no further business to come before the Board, **MOTION** by President Moore, second by Mr. Lively to adjourn the Regular Meeting. Motion carried unanimously and the meeting was adjourned at 8:30 PM.

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Rex A. Moore, President

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Nicholas T. Yingst, Secretary