

**DRAFT MINUTES OF THE ANNVILLE TOWNSHIP
BOARD OF COMMISSIONERS
April 6, 2021**

The April Regular Monthly Meeting of the Annville Township Board of Commissioners was held starting at 7:00 PM on April 6, 2021 in the Commissioners' Room of Annville Town Hall, 36 North Lancaster Street, Annville, PA with the following members present: Rex A. Moore, President; Henri B. Lively, Vice President; Thomas R. Embich, Treasurer; Nevin R. Hoover; and Anthony C. Perrotto. Also in attendance were Nicholas T. Yingst, Township Administrator and Secretary to the Board of Commissioners; Andrew J. Race, Esq., Township Solicitor; Tucker Hull, East Main Street; Carissa Eby and Dustin Ferrillo, South King Street; Charles Gonzalez and Jahrome Gonzales-Allie, South Manheim Street; Dean Wolfe, West Main Street; Bobbie and Ken Ginder, West Water Street; and Tom Miller, student at Lebanon Valley College (LVC).

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.

RECOGNITION OF VISITORS AND OPPORTUNITY FOR PUBLIC COMMENT:

President Moore provided an opportunity for public comment and the following comments were noted from those in attendance:

Exemption from Certain Regulations Governing Chickens: Mr. Hull was recognized for comment and he shared a request, per Section 2-400 of the Annville Township Code of Ordinances, that his family be permitted to keep six hens at their property at 304 East Main Street instead of the statutory limit of four. Per a question from Mr. Perrotto, Mr. Yingst indicated he was unaware of any complaints about the number of hens at this property, and Mr. Hull confirmed they did not own a rooster. With no further comments or questions noted, **MOTION** by Mr. Hoover, second by Mr. Embich to grant a waiver from Section 2-401.2 of the Annville Township Code of Ordinances to allow Tucker Hull and his family to keep six chicken hens, instead of four, at their property at 304 East Main Street. Motion carried unanimously and Mr. Hull left the meeting at 7:02 PM.

Bernard Dugan, Chief of Police, joined the meeting at 7:07 PM.

Residential Light Trespassing: Mr. and Ms. Ginder were recognized for comment and asked for an update on the possibility of the Board adopting a residential light trespassing ordinance, as well as expressing other frustrations with their neighbors they described as being harassment. President Moore shared he had visited the location recently for about 15 minutes after dark and did not observe any lighting issues. Ms. Ginder indicated that was because this only occurs when she and her husband are there, noting the lighting gets brighter then and makes what she described as tweeting sounds. She expressed she does not have an issue with outdoor lighting, per se, just that she does not want it shining on her property and in their faces. Mr. Perrotto asked how such an ordinance could be enforced if this occurred intermittently and Mr. Ginder indicated it was not intermittent. Mr. Perrotto then asked how such an ordinance would stop the tweeting sounds. Ms. Ginder indicated it would not, but at least would provide some relief from the lighting issues. She also reported that while Sergeant Stickler asked the neighbors to turn down the angle of the lighting, they did not do so. President Moore asked Ms. Eby and Mr. Ferrillo if they had any comments; Mr. Ferrillo indicated they had already discussed this with Sergeant Stickler and were only present at the meeting to listen and observe.

Mr. Perrotto shared his belief the matter was essentially a civil one and could best be addressed through that process. Mr. Ginder stated he sought counsel from a local attorney who expressed doubts about the efficacy of making this a civil matter, and advised this would likely not be well received as a criminal harassment matter. Mr. Perrotto noted the burden of proof is much lower for a civil case than for a criminal case. Mr. Race opined that light can be considered trespassing and the Ginders may wish to seek out an attorney to issue a defiant trespass letter. He expressed his belief this was essentially a private matter and, as such, he believed seeking a private remedy through the civil process was the most appropriate way to handle this. While noting the Township could adopt a residential light trespassing ordinance, Mr. Race expressed doubts that addressing this matter through such a criminal process would be viewed favorably by the courts. President Moore indicated the Township would have to consider the full scale of impacts for adopting such an ordinance, and discussed with Chief Dugan what enforcement might look like. As it was noted enforcement would require purchasing a light meter, the Ginders indicated they would pay for one. Mr. Race suggested the best way forward would be for the Ginders and their neighbors to work this out privately. Mr. Hoover asked Mr. Ferrillo why he did not turn the angle of the lighting down, and Mr. Ferrillo indicated he did so when asked to about one year ago. Ms. Ginder stated it was not turned down far enough and expressed her desire the Board adopt a residential light trespassing ordinance. She and Mr. Ginder then left the meeting at 7:21 PM.

Ownership of West Water Street: Mr. Ferrillo was recognized for comment and asked if there were any updates concerning identifying the owner of the grassy strip of land between his property and the Ginders' property. Mr. Race shared that his firm had researched this and believed that West Water Street in his neighborhood was not a Township roadway and was likely owned by the estate of Zacharias Bowman. He shared how his firm came to this conclusion by reviewing the applicable deeds, and that this property was never dedicated to the Township. Mr. Ferrillo asked what is permitted there and Mr. Race indicated because it is not a public street owned and operated by the Township, it did not have the typical regulations for a public street. Mr. Perrotto asked Mr. Yingst to also communicate this information to the Ginders. Ms. Eby and Mr. Ferrillo then left the meeting at 7:29 PM.

Boy Scouting: Mr. Gonzalez was recognized for comment and he introduced his grandson, Jahrome, who was attending the meeting to earn a Boy Scout merit badge. The Commissioners welcomed Jahrome and briefly discussed with him his involvement in Boy Scouts.

APPROVAL OF MINUTES: **MOTION** by Mr. Perrotto, second by Mr. Lively to approve the minutes of the Regular Meeting held March 2, 2021 as presented. Motion carried unanimously.

REPORTS OF STANDING COMMITTEES:

Public Works: The Public Works Report for March 2021 was reviewed, a copy of which is attached hereto and made a part of these minutes. The following item was then addressed:

Revised Shut-Off Agreement with Pennsylvania American Water Company (PAWC): At the recommendation of the Township Authority, **MOTION** by Mr. Perrotto, second by Mr. Lively to ratify (1) approval of the shut-off agreement with PAWC as presented and (2) authorization of its execution by the appropriate Township officials. Motion carried unanimously. In response to a

question from Mr. Wolfe, Mr. Yingst explained the courtesy letter his office sent to landlords notifying them of how the changes to the shut-off process as mandated by PAWC could effect them if their sewer accounts were delinquent. In response to a question from Mr. Embich, Mr. Yingst described the process by which ratepayers with a swimming pool can seek to have their sewer bill reduced if they use public water to fill the pool.

Public Safety: The Police Statistical Report for March 2021 was reviewed, which included information on calls responded to in South Annville Township over the past month. A copy is attached hereto and made a part of these minutes. The following item was then addressed:

Police Department Accreditation: Chief Dugan reported the Police Department received its renewed accreditation certificate earlier in the day and the Commissioners congratulated him and his staff on this accomplishment. Per a question from Mr. Embich, Chief Dugan shared some of the benefits of accreditation.

Property: The following item was addressed:

Town Hall Furnace Replacement Project: Mr. Yingst reported that estimates were sought from four firms, and received from three, for the replacement and conversion of the Town Hall furnace to natural gas and the removal of the existing fuel tank. He also reported that two additional estimates were received solely for the removal of the fuel tank, and that UGI would provide a natural gas connection to Town Hall at no cost. **MOTION** by Mr. Embich, second by Mr. Lively to approve (1) the replacement and conversion of the Town Hall furnace to natural gas by George Strohm, Inc., the low bidder, for an estimated cost of \$14,290, (2) the removal of the existing fuel tank at Town Hall by Kresge Excavating, the low bidder, for an estimated cost of \$2,900, and (3) UGI connecting Town Hall to natural gas. The motion was then opened for discussion, with Mr. Embich expressing concern there was no escalator provision for potential additional costs in the proposal for the tank removal, and the Commissioners discussed this at length. Mr. Yingst also responded to several questions from Mr. Hoover regarding the details of the proposal for the furnace. Per a question from Mr. Perrotto, Mr. Yingst indicated there was no street cutting moratorium currently in place for this portion of North Lancaster Street in case UGI needed to cut the roadway to facilitate the connection. With no further questions or comments noted the motion was voted upon and carried unanimously.

Parks & Recreation: Nothing to report this month.

Finance: Mr. Embich reviewed the Financial Report for March 2021, highlighting the total income and expenses through the third month of the year. A copy of the report is attached hereto and made a part of these minutes. It was also reported that the 2020 financial statements and audit report had been received, with no findings or reportable conditions noted.

Permits: The Permits Report for March 2021 was reviewed, a copy of which is attached hereto and made a part of these minutes.

Annville Activities: The following items were addressed:

St. Paul's Summer Bazaar Overstreet Banner: Mr. Perrotto reported that Mr. Yingst had contacted a representative from St. Paul the Apostle Church to see if it was planning to hold its Summer Bazaar and, if so, if it was interested in suspending a banner over East Main Street advertising for this event. President Moore indicated the church was still working through whether holding the event in 2021 would be feasible.

Cancellation of the Memorial Day Parade: Mr. Perrotto reported the Annville Community Activities Committee (ACAC) cancelled the 2021 Memorial Day parade due to lingering effects of the COVID-19 pandemic. He also shared information on what the ACAC was asking those in the community to do to commemorate Memorial Day and its collaboration with the Allen Theatre on this.

Letter of Support for Grant Application for Historic Old Annville Day (HOAD): Mr. Perrotto reported a request for a letter of support was received from the Friends of Old Annville (FOOA) for its application to Lebanon County for Hotel Tax Grant funds in support of HOAD. He also noted a letter of support had been issued on behalf of FOOA for this purpose two years prior. **MOTION** by Mr. Perrotto, second by Mr. Embich to express support for FOOA applying for Lebanon County Hotel Tax Grant funds for HOAD and to direct Mr. Yingst to issue a letter of support for same. Motion carried unanimously.

MOTION by Mr. Perrotto, second by Mr. Lively 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 adjournment of the March Regular Meeting. An Executive Session was requested to be held prior to the adjournment of the evening's meeting to consult with counsel on matters relating to real estate as well as personnel matters concerning hiring and firing.

Planning Commission: Mr. Perrotto reported the Planning Commission was planning to meet on April 12, 2021 to review the preliminary/final land development plan submitted for Synergy Health Development, LLC for 742-744 East Main Street. The following items were then addressed:

Land Development Improvements Agreement for RV Moore, LLC Land Development Plan: A Land Development Improvements Agreement for the RV Moore, LLC preliminary/final land development plan was presented to the Commissioners for their review and comment. At the recommendation of the Township Engineer and Township Solicitor, **MOTION** by Mr. Perrotto, second by Mr. Embich to ratify (1) approval for the Land Development Improvements Agreement for the RV Moore, LLC preliminary/final land development plan as submitted and (2) authorization of its execution by the appropriate Township officials. Motion carried by a vote of four to zero with Mr. Lively, Mr. Embich, Mr. Hoover, and Mr. Perrotto voting in favor of the motion and President Moore recusing himself from the vote, his explanation for doing so being attached hereto and made a part of these minutes.

Waiver of Street Cut Moratorium for 345 West Queen Street: It was noted the approved RVMoore, LLC preliminary/final land development plan likely necessitated cutting the street to accommodate the stormwater facilities. Per a question from Mr. Perrotto, President Moore described the rationale for this work and why it was believed it would improve stormwater management in that area. **MOTION** by Mr. Perrotto, second by Mr. Hoover to grant a waiver from the street cut moratorium for the property at 345 West Queen Street per the RVMoore, LLC preliminary/final land development plan to facilitate a connection to the storm sewer system. Motion carried by a vote of four to zero with Mr. Lively, Mr. Embich, Mr. Hoover, and Mr. Perrotto voting in favor of the motion and President Moore recusing himself from the vote, his explanation for doing so being attached hereto and made a part of these minutes.

Stone Hill Village Phase 3B-1 Land Development Plan Reapproval: Noting a request for same had been received from Eugene Martin of Stone Hill Village, **MOTION** by Mr. Hoover, second by Mr. Lively to extend approval for the final land development plan for Phase 3B-1 of Stone Hill Village by an additional 90 days by reapproving said plan contingent upon all items in the Township Engineer's review letter being satisfactorily addressed and obtaining the necessary signatures. Motion carried unanimously.

LVC Locker Room Additions Land Development Plan Reapproval: Noting a request for same had been received from LVC's consultant for this project, **MOTION** by Mr. Lively, second by Mr. Hoover to extend approval for the preliminary/final land development plan for the LVC Locker Room Additions by an additional 90 days by reapproving said plan contingent upon all items in the Township Engineer's review letter being satisfactorily addressed and obtaining the necessary signatures. Motion carried unanimously.

Historic Architectural Review Board (HARB): The following item was addressed:

Roof Replacement at 442 West Main Street: At the recommendation of HARB, **MOTION** by Mr. Embich, second by Mr. Lively to issue a Certificate of Appropriateness for a roof replacement at 442 West Main Street as proposed. Motion carried unanimously.

Wage & Salary: Nothing to report this month.

Municipal Separate Storm Sewer System (MS4): Mr. Embich shared a verbal report on the prior month's meeting of the Lebanon County Stormwater Consortium (LCSC), in particular providing information on the LCSC's 2020 audited financial statements, potential investment opportunities for its funds, and stormwater management planning and efforts. He also briefly reviewed outreach efforts being planned by the Lebanon County Clean Water Alliance.

Greater Lebanon Refuse Authority (GLRA): Mr. Embich briefly highlighted agenda items for the evening's meeting of the GLRA.

Fire Department: Mr. Lively reviewed the March 2021 Fire Chief's Report and Monthly Statistical Report for the Union Hose Company (UHC). He noted Chief Snavelly's involvement and leadership in continued joinder discussions with the Cleona Fire Company (CFC), and indicated the next meeting was scheduled for April 15, 2021. Per a question from Mr. Hoover

about perceived response times, Mr. Lively suggested any specific concerns be directed to Chief Snavely, while noting good operational cooperation between the UHC and the CFC.

Mr. Gonzalez and Mr. Gonzalez-Allie left the meeting at 8:08 PM.

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

OLD BUSINESS:

Community Development Block Grant (CDBG): Mr. Yingst reported the invitation for bids for the West Church Street curb ramp upgrade project funded by CDBG funds would be advertised over the next two weeks, with bid opening scheduled for April 29, 2021 and the possibility of awarding the project at the next month's Board of Commissioners meeting.

Cable Franchise Renewal: The Commissioners discussed the proposed franchise renewal agreement drafted by Cohen Law Group and the franchise fee they would recommend it include. After Mr. Embich described various strategies the Township could employ in the negotiations, Mr. Perrotto asked if the Township incurred routine, ongoing expenses as part of the franchise agreement. As Mr. Yingst indicated it did not, Mr. Perrotto noted the cable company would likely pass along the franchise fee to customers and suggested the Township keep the fee at its present rate of 3%. The other Commissioners concurred, noting their hope the franchise fee audit would identify opportunities for assessing the fee that had thus far been overlooked.

Welcome Sign: Nothing to report this month.

LVC Properties on Tax Rolls: A brief verbal report was provided on the meeting that President Moore, Mr. Perrotto, and Mr. Yingst participated in the prior month with the LVC President and Vice President of Finance and Administration regarding the recent removal of college properties from the tax rolls. President Moore shared that President MacLaren and Vice President Curtin indicated they were unaware of past college presidents' assurances that property purchases and development by the college would remain on the tax rolls. As such, they indicated LVC would not be returning the Arnold Health Professions Pavilion property to the tax rolls, and it would not be placing the proposed School of Nursing building on the tax rolls, although they agreed that any future properties the college purchases that are on the tax rolls would remain so. President Moore also noted the Township was waiting on a response from the college regarding suggestions to address the resulting funding challenges.

Sale of Property on South Spruce Street: Mr. Race presented documents pertaining to the upcoming sale of the Township property on South Spruce Street for the Commissioners' review and comment. The Commissioners asked Mr. Race to advertise this sale with the opening of bids and award scheduled for the June 1, 2021 Board of Commissioners meeting. Mr. Hoover asked a sign be placed on the property regarding this. Per a question from the Commissioners, Mr. Race indicated it would be acceptable to proactively provide information on this sale to persons or entities the Township thought might have interest in bidding.

Request from the Annville-Cleona Recreation Association (ACRA) for Court Upgrade: Mr.

Perrotto reported that he and Mr. Yingst met with representatives of the ACRA and Hugh Rooney about the proposed court upgrade project. He noted the ACRA was amenable to the project and the need for a use agreement pertaining to it, and that Mr. Yingst was assisting with completing an application the ACRA would be submitting for funding from the AARP Community Challenge. At Mr. Perrotto's request, Mr. Yingst indicated he would contact Mr. Rooney to remind him of the deadline for the ACRA to submit that funding application. After sharing the latest project costs for the project provided by Mr. Rooney, Mr. Perrotto explained that any Township contribution to this project would be from funds earmarked for recreational purposes. Per a question from Mr. Wolfe, Mr. Perrotto explained how recreation fees are collected from developers in lieu of their providing recreational facilities as part of a land development plan, and how this applied to other plans submitted to the Township. Per the Commissioners' review of a letter of support issued for ACRA's court upgrade project, **MOTION** by Mr. Perrotto, second by Mr. Embich to ratify issuance of the draft letter as presented. Motion carried unanimously.

Flashing Pedestrian Signs: Noting Mr. Miller was present and had previously issued a letter to the Township regarding its recent installation of flashing pedestrian signs at crosswalks, the Commissioners briefly discussed this with him. He expressed his appreciation of the signs and there was discussion on how the project was funded primarily through a grant.

NEW BUSINESS:

Application for County Liquid Fuels Funds: Mr. Yingst reported the Township was notified it could apply for \$4,767 in Lebanon County Liquid Fuels funds and suggested it submit such an application in that amount for general maintenance of roads and equipment. **MOTION** by Mr. Perrotto, second by Mr. Hoover to authorize the submission of an application for Lebanon County Liquid Fuels funds in the amount of \$4,767 for general maintenance of roads and equipment. Motion carried unanimously.

Request for Special Waiver from Noise Regulations: Mr. Yingst reported correspondence was received from Jeffrey Herb of 626 East Main Street requesting a waiver from the Township's noise regulations on Friday, July 9, 2021 and Saturday, July 10, 2021, to allow musical groups to perform outdoors at his property until 11:00 PM. The Commissioners discussed this at length, noting it had provided such an exemption to Mr. Herb for one evening two years prior. Mr. Perrotto asked if Mr. Herb charged for the event and Mr. Embich indicated he did not believe so. Mr. Perrotto asked if there had been complaints about past concerts on the property and President Moore indicated he believed such complaints were of an informal nature. While Chief Dugan did not specify any concerns with a waiver being granted, he did receive confirmation from Mr. Race that such waiver did not prevent the Police Department from enforcing other aspects of the noise regulations or other Township ordinances. With no other comments or questions noted, **MOTION** by Mr. Lively, second by President Moore 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 10, 2021 only. Motion carried unanimously.

CORRESPONDENCE: Nothing to report this month.

PAY BILLS: MOTION by Mr. Lively, 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.

RECESS FOR EXECUTIVE SESSION: President Moore called a recess for an Executive Session and the room was cleared of the public at 8:51 PM. The Regular Meeting was reconvened at 9:55 PM with the five Commissioners, Mr. Yingst, Chief Dugan, and Mr. Race present.

Ownership of Ash Street: MOTION by Mr. Perrotto, second by Mr. Embich to authorize the Township Solicitor to research the ownership of Ash Street. Motion carried unanimously.

ADJOURNMENT: There being no further business to come before the Board, **MOTION** by Mr. Lively, second by Mr. Perrotto to adjourn the Regular Meeting. Motion carried unanimously and the meeting was adjourned at 9:55 PM.

Rex A. Moore, President

Nicholas T. Yingst, Secretary