

November 8, 2021

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The North Annville Township Board of Supervisors met at the Water Works Fire Hall at 7:30 p.m. on November 8, 2021 for the purpose of a regular monthly meeting. All members were present. Also present was: see attached attendance sheet in minute book.

Randy Leisure, Chairman, called the meeting to order at 7:30 p.m. He began by stating that the supervisors will convene an Executive Session, for the purpose of discussing litigation, at the conclusion of the regular meeting.

Clyde Meyer, Vice-Chairman, made a motion to approve the October 11, 2021 meeting minutes as presented in printed form. Randy 2nd the motion, motion carried. Randy then made a motion to adopt the October 11 Treasurer's Report as presented in printed form. Clyde 2nd the motion, motion carried. Adam Wolfe, Secretary-Treasurer, read all the bills for the month. Adam made a motion to pay all bills as read. Clyde 2nd the motion, motion carried.

For the status of the Complaint in Mandamus filed against North Annville Township by Lebanon Solar, Paul Bametzreider, Township Solicitor, stated that the Township's liability insurance carrier will cover the cost of outside counsel less the Township's \$1,500.00 deductible on the policy. Through the liability insurance carrier, the Township has retained Anthony Sherr of Sherr Law Group in Montgomery County to defend the Township in the lawsuit. Paul went on to say that he has had several phone conversations with Mr. Sherr and they are now working on the Draft Answer & New Matter. The Complaint will be discussed further in Executive Session. Grady Summers questioned the incentive of Mr. Sherr to defend the Township in the lawsuit, to which Paul replied that Mr. Sherr will follow the direction of the supervisors. Grady continued by asking if we know the direction the Township will be taking, to which Paul replied that he is unable to publicly discuss strategy. Paul went on to say that the Answer & New Matter must be filed by Wednesday November 10. Aaron Miller questioned whether or not the Township's response will be made public, to which Adam replied that he will post it on the website provided that it is permissible to do so. Grady questioned whether or not it is safe to say that the Township will want to hold a hearing, to which Paul replied that it is the Township's intention to hold a hearing. Chanda Tshudy questioned whether or not the Township will meet the deadline for filing the Answer & New Matter, to which Paul replied that the deadline will be met.

Next on the agenda, Randy stated that there are issues with the Lebanon County Planning Department not allowing non-conforming structures which pre-date zoning to be rebuilt. As a result, the supervisors would like for the Planning Commission to review the Township's Zoning Ordinance and determine whether or not the non-conforming structure section of the Ordinance should be amended. Paul stated that there is an entire section of the Ordinance which addresses non-conforming uses and structures and the law states that a non-conforming structure can be rebuilt within a certain period of time. Aaron Miller questioned whether or not County Planning has not been allowing non-conforming structures to be rebuilt, to which Randy replied "yes"; however, the supervisors reviewed the situation causing the discrepancy and directed County Planning to issue the necessary permits for the non-conforming structure to be rebuilt on the original footprint. Nelson Heagy stated that part of the issue in this particular situation is the extremely small size of the lot. Paul stated that it is unconstitutional to not allow an existing non-conforming structure to be rebuilt.

For the status of matters involving the Lebanon County Police Combat Pistol Club, Joe Murray stated that the Club is in the process of obtaining quotes to line the shooting range with

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pine trees. They are also limiting times for nighttime fire, which will be permitted to take place from mid-October thru mid-April. Nelson Heagy stated that it would be beneficial if neighbors could hold a meeting with club representatives, to which Mr. Murray replied that the club would indeed be open to such a meeting. Nelson also stated that there was a recent incident where his daughter was told by someone at the club to not continue walking on the family's own land for her own safety while shooting was taking place.

For the next item of business, Randy stated that the property located at the intersection of North State Route 934 & Yordy's Bridge Rd. has been cleaned up and whomever cleaned it up did an outstanding job.

Next, Adam read the preliminary 2022 budget. For the general fund, the budget lists a beginning balance of \$765,000 with receipts of \$557,444.88 and disbursements of \$379,982, leaving an ending balance of \$942,462.80. For the state fund, the budget lists a beginning balance of \$537,150 with receipts of \$114,257.57 and disbursements of \$70,000, leaving an ending balance of \$581,407.57. For the public sewer fund, the budget lists a beginning balance of \$30,000 with receipts of \$54,505 and disbursements of \$56,000, leaving an ending balance of \$28,505. See budget for further details. Grady Summers questioned whether or not there are currently any plans for the American Rescue Plan funding, to which Adam replied that the Treasury Dept. has not yet issued final guidance for the use of the funds. Bekah Sanders questioned the fact that the amount of projected public sewer fund disbursements exceed receipts, to which Adam replied that line maintenance is the responsibility of the Township since the Township owns the main lines. Bekah then questioned the markup of the public sewer invoices, to which Adam replied that the Township marks up the invoices by 15%. Randy stated that the \$4,500.00 in line maintenance is included in the budget as a precautionary measure but it rarely utilized. Adam stated that the preliminary budget will be advertised for public comment between now and the December 13 meeting, where a final budget will be adopted. The preliminary budget will also be available for review on the Township's website.

For the Planning Commission report, Brian Keck, Secretary, stated that the supervisors are discussing everything which was discussed at the Planning Commission meeting.

With regard to political signs, containing vulgar language, posted on private property along Thompson Avenue, Paul stated that he looked into the Township's Nuisance Ordinance as it relates to obscene political speech. He also researched and located a Supreme Court case from the Vietnam area which opined that individuals cannot be fined for breach of peace as a result of a message which is political but contains vulgar words. As such, the content of the signs in question is protected by the first amendment. However, the Township Zoning Ordinance does specify that political signs must be removed within 48 hours after an election has taken place. Julie Kaylor stated that in order to pursue the vulgar signs using regulations contained in the Zoning Ordinance, the Township would have to require that all of the political signs displaying content relative to last November's presidential election be removed. Doug Buffenmeyer questioned whether or not this would pertain to Trump signs, to which Randy replied that the Township would have to go after all of the political signs currently being displayed. Aaron Miller suggested that perhaps someone could go and have a polite discussion with the Thompson Ave. property owner regarding the offensiveness of the signs he/she is displaying. Grady Summers stated that if the Township requires the signs directed toward President Biden to be

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taken down, then the Trump signs will have to be taken down as well. The discussion concluded with John Shaver volunteering to go and have a conversation with the Thompson Avenue property owner.

For matters pertaining to excessive shooting on private property, the issue currently at hand is excessive shooting which takes place along the Swatara Creek on weekends. Randy recommended that affected neighbors contact law enforcement and see if the individual(s) doing the shooting has written permission from the landowner(s) to be shooting on his/her property. Mark Bachman questioned where the line is drawn when it comes to shooting on private property, to which Paul replied that an individual cannot enter private property without permission, otherwise it is trespassing and a law enforcement officer can enforce the crimes code. John Shaver stated that a landowner, not neighbors, would have to issue the shooting-related complaint. Brent Kaylor questioned at what point private property becomes a gun club if the landowner grants twelve people permission to shoot. Paul stated that any shooting taking place must be done in a safe manner. Randy stated that the Township is attempting to protect everyone's rights and ensure public safety while a large number of rounds are being fired through AR-15 style rifles on private property. Nelson Heagy referenced number 4 in the Township's Nuisance Ordinance, which refers to making annoying or unseemly noise to the disturbance of residents. Randy stated that nuisance ordinances are vague, while Paul stated that noise ordinances are extremely difficult to enforce.

For the road report, Randy stated that no major issues were noted during the recent annual road inspection by the supervisors. Pertaining to an expected increase in truck traffic on Clear Spring Rd., Randy stated that we are currently waiting for DHL to come out with a traffic study relating to their plans to construct three warehouses along Killinger Rd. in South Annville Township. Aaron Miller questioned whether or not that study will pertain to all of the proposed warehouses, to which Randy replied that DHL will be responsible for three of the four additional proposed warehouses, while a company called North Point will be responsible for the fourth warehouse. Randy is unsure of whether or not the DHL study will contain any data relative to the North Point warehouse. Randy went on to say that the supervisors are considering conducting a traffic study sponsored by North Annville Township and are also researching the requirements for designating Clear Spring Rd. as a snow emergency route due to the increasing frequency of trucks becoming stuck on the steep hills during winter weather events. Randy continued by stating that the Roadway Safety Audit for the Route 934 corridor did begin and the next meeting is approaching. At the first meeting, attendees spent several hours visiting intersections with the hope of obtaining ideas, plans and solutions for improving problematic areas. Aaron Miller questioned if the supervisors are saying that DHL will perform a traffic study, to which Randy replied that DHL will perform an impact study, as they are applying for a PennDOT multi-modal grant for changes to the intersection of Clear Spring Rd. & North State Route 934. Larry Buffenmeyer stated that there should be a 35 MPH speed limit on Route 934. Randy stated that the RSA is categorizing motor vehicle accidents. Brenda Wolfe stated that there has been three accidents on Route 934 within a three day time period and questioned the purpose of the Regional Comprehensive Plan, to which Randy replied that the purpose of the Regional Comprehensive Plan was to address zoning and growth. Randy stated that North Annville is disappointed with the number of warehouses being planned for construction in South

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Annville Township; however, North Annville cannot control what takes place in South Annville. Grady Summers questioned whether or not there are any improvement plans for the intersection of North State Route 934 & Palmyra-Bellegrove Rd. Randy replied that the next RSA meeting is scheduled for November 15 from 8:00 am - 10:00 am at the Annville Town Hall for anyone who is interested in attending.

For the police report, Chief Farneski reported that the Cleona Borough Police Department responded to 50 calls in North Annville during the month of October. Of those 50 calls, there was one suicide, one fatal accident which remains under investigation and one accident north of Bellegrove.

For the fire company report, Mark Blauch, Bellegrove Fire Co. Chief, reported that they are busy running calls.

No business was presented for the Zoning Hearing Board report.

No comments were presented during the public comment portion of the meeting.

Next, Paul asked that the Executive Session take place prior to adjournment of the regular meeting. The supervisors and Paul then convened an Executive Session at 8:29 p.m. and returned to regular session at 8:39 p.m. Paul proceeded to state that a Conditional Use Hearing for Lebanon Solar is being tentatively scheduled for Tuesday November 23rd at 6:30 p.m., subject to fire hall availability. Paul continued by stating that the hearing will take place regardless of Lebanon Solar's lawsuit, in which Lebanon Solar is asking the Court to order approval of the proposed commercial solar use without a hearing. Glenn Forney questioned whether or not Lebanon Solar's lawsuit has merit, to which Paul replied "no." In response to questions, Adam stated that confirmation of the hearing will be posted on the Township's website.

There being no further business, Clyde made a motion to adjourn the meeting. Adam 2nd the motion, motion carried.

Respectfully submitted,



Adam D. Wolfe, Secretary

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Treasurer's Report:

Balance in State Fund October 11, 2021		\$537,100.59
Receipts: Fulton Bank (FB) MMA Interest	\$4.42	
FB GIC Interest	0.05	
PLGIT Interest	0.03	
PLGIT Reserve Interest	<u>0.13</u>	<u>\$4.63</u>
Balance after receipts:		\$537,105.22
Disbursements: none		
Balance in State Fund November 8, 2021		\$537,105.22

Balance in General Fund October 11, 2021		\$759,505.40
Receipts: Recorder of Deeds	\$4,003.30	
District Court	160.05	
Shamrock Settlement Services	3,079.74	
Comcast Cable	7,851.58	
FB MMA Interest	5.57	
FB GIC Interest	0.96	
PLGIT Interest	0.18	
PLGIT Reserve Interest	0.03	
Cleona Borough	46.29	
Keystone Municipal Collections	<u>44,883.33</u>	<u>\$60,031.03</u>
Balance after receipts:		\$819,536.43

Disbursements:

CK#: 5737	Leffler Energy	\$199.28	
5738	Pennsylvania American Water	39.38	
5739	Daniel B. Krieg	158.60	
5740	Highway Materials, Inc.	3,774.13	
5741	Union Water Works Auxiliary	70.00	
5742	Boger Concrete	845.00	
5743	Jonestown Ag Supply	107.99	
5744	Nolt Paving, LLC	14,305.00	
5745	Cleona Borough	6,389.93	
5746	Zimmey's Automotive	392.98	
5747	Starner Excavating	1,007.00	
5748	State Workers Insurance Fund	1,656.00	
5749	Reilly, Wolfson Law Offices	3,027.26	
5750	Randall Leisure	87.88	
5751	Clyde Meyer	87.88	
5752	Adam Wolfe	1,283.53	
5753	Adam Wolfe	520.28	
EFT	Met-Ed	48.00	
EFT	Comcast Cable	128.96	
EFT	IRS	<u>453.67</u>	<u>\$34,582.75</u>

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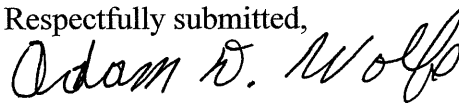
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Balance in General Fund November 8, 2021		\$784,953.68
Balance in Public Sewer Fund October 11, 2021		\$3,917.89
Receipts: FB SMIC Interest	<u>0.07</u>	<u>\$0.07</u>
Balance after receipts:		\$3,917.96
Disbursements:		
CK#: 173 Anville Township Authority	<u>\$1,153.51</u>	<u>\$1,153.51</u>
Balance in Public Sewer Fund November 8, 2021		\$2,764.45

Summary:

State Fund	\$537,105.22
General Fund	784,953.68
Escrow Acct.	3,402.65
Public Sewer Fund	<u>2,764.45</u>
Total all Funds:	\$1,328,226.00

Respectfully submitted,



Adam D. Wolfe, Treasurer