

February 12, 2024

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The North Annville Township Board of Supervisors met at the Water Works Fire Hall at 7:30 p.m. on February 12, 2024 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. and proceeded to announce that, immediately following the conclusion of the regular meeting, the supervisors will convene an Executive Session to discuss litigation as well as the potential acquisition of real estate. Clyde Meyer, Vice-Chairman, made a motion to approve the January 8, 2024 meeting minutes as presented in printed form. Randy 2nd the motion, motion carried. Randy then made a motion to adopt the January 8 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. Brian Keck questioned the invoice for repair of the radar speed sign, to which Cleona Borough Police Chief Farneski replied that the repairs were necessary due to the sign having been destroyed by vandals. Adam made a motion to pay all bills as read. Clyde 2nd the motion, motion carried.

For the Police Report, Chief Farneski stated that the Cleona Borough Police Dept. responded to 43 calls in North Annville Township during the month of January. The Chief continued by stating that the crash involving a vehicle into a house at the intersection of Route 934 & Blacks Bridge Rd. occurred during a police chase that did not involve the Cleona Police. Automatic license plate readers will be installed in the Cleona Police vehicles within the next several days. The Chief concluded his report by reminding North Annville residents to never take guests with whom you are unfamiliar into your home, as a lawsuit arose out of such a scenario on Kauffman Rd.

For an update on matters pertaining to Clear Spring Rd., Randy stated that ELA Group has finished the field work associated with the speed and sight distance analysis and a meeting to review the study results is scheduled for Feb. 28th. In response to a question from Brian Keck, Adam stated that the study results will be posted to the website when he receives them. Jeff Miller stated that GraceLife Church (Church) is currently attempting to determine the status of the proposed roundabout, to which Paul Bametzreider, Township Solicitor, replied that the proposed project is still in the early stages, as no applications have been filed with PennDOT and the Township is still in the process of negotiating agreements with DHL. Paul continued by stating that there is a virtual meeting scheduled for this week and things overall have a long way to go. Jeff stated that the Church was contacted with regard to having soil testing performed on Church property, to which Paul replied that it is up to the Church whether or not to allow such testing to take place on their private property. Paul went on to say that the Township cannot provide legal advice to the Church and then stated that a public entity could condemn a portion of the Church property and would then have rights. Jeff stated that a lot of preliminary work has been performed, to which Paul replied that the Church should contact DHL, since the Township has not approved anything. Randy stated that no Highway Occupancy Permit (HOP) Application has been submitted and then questioned the nature of the Church's concerns, to which Jeff replied that they don't understand the impacts on their property and are concerned about noise. Randy replied by stating that DHL is seeking to perform a stormwater percolation test on property owned by the Church. Jeff proceeded to question if the Township requested the design of the roundabout, to which Randy replied "no" and continued by stating that DHL requested the

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design of the roundabout and PennDOT has retained an engineer separate from the design engineer. Aaron Miller stated that it was DHL, and not the Township, who applied for the grant to fund the roundabout project. Jeff stated that the Church is disappointed that they've not been contacted, to which Randy stated that PennDOT frowns on meeting with landowners too early in the project process. Jeff continued by stating that the Church was told that the HOP Application has been submitted, to which Paul stated that agreements with DHL must be in place prior to the submission of the HOP Application. Jeff asked if DHL is responsible for costs over and above the amount of the grant, to which Randy replied "not necessarily" and continued by stating that there has been discussions with the Lebanon Co. Planning Dept. with regard to funding costs over and above the amount of the grant. Jeff asked if DHL has submitted a project timeline, to which Randy replied "yes" then continued by stating that the initial timeline has been pushed back and the project will not take place before 2025. Jeff questioned if the Church should continue attending Township meetings, to which Randy replied "yes" and continued by stating that the Township wants the best plan moving forward. Ron Weber questioned if the agreements between the Township and DHL will commit the Township to the project, to which Paul replied "not necessarily" and continued by stating that the Township must be the HOP applicant, and in the process the Township wants to be paid for work it does and also to be indemnified of liability. Paul went on to say that the agreements between the Township and DHL will not commit the Township to filing the HOP application and, in addition, the Township can have the plans/design reviewed by it's own engineer and make objections. Ron then asked if the Board is participating in the virtual meeting, to which Paul replied that he and one Board representative will participate in the meeting. Jeff then asked if the Township is cooperating, to which Paul replied that "cooperating" is a mischaracterization, as it is paramount to first determine what the engineering studies say and what the impacts will be moving forward. Ron then questioned the cost of submitting the HOP Application, to which Paul replied that the Township would be reimbursed for that expense and we are not close to being ready to submit the HOP Application.

For an update on matters pertaining to Lebanon Solar I, LLC, Paul stated that Judge Charles issued an Opinion & Order on January 26th, in which he upholds the Township's Decision, despite the fact that he did not like everything about it. We are now in the 30 day appeal period, during which any of the parties can appeal the Opinion of Judge Charles to Commonwealth Court. In response to a question regarding the Township's appeal strategy, Paul stated that the Township has a 14 day cross-appeal period, which allows the Township to file a cross-appeal within 14 days of the filing of an appeal by another party. Julie Kaylor stated that a recent news article indicated that Bill Cluck may file an appeal on behalf of Grady Summers, to which Paul replied that Mr. Summers has the ability to file an appeal as an intervenor. In response to a question regarding whether or not any landowner can appeal the Judge's Opinion, Paul stated that the landowner would need to have been granted intervenor status in order to be able to file an appeal. Ron Weber questioned whether or not a lack of appeal by the Township would set future precedent on the issues where Judge Charles ruled against the Township, to which Paul replied that it would not set precedent; however, it would be persuasive at the county level.

Next, Paul stated that he is still working on the renewal of the Comcast Cable Franchise Agreement and that it should be brought up next month.

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For the next item of business, Randy stated that Stephen Van Der Ploog is requesting that North Annville Township defer stormwater plan review for his proposed self-storage facility to Annville Township. Randy went on to say that the proposed self-storage facility will be located south of the former Annville Family Practice facility. While most of the property is in Annville Township, part of the property does lie in North Annville Township and a small stormwater basin would be located in North Annville Township. In past cases such as this, North Annville has deferred the stormwater review to Annville Township; however, the supervisors will not make a decision until the Planning Commission has had the opportunity to review the plans and provide comment.

Next on the agenda, Randy read the rules and regulations applicable to the Annville Township Drop-Off Center, which North Annville Township residents are eligible to use at a permit cost of \$200.00/year. Adam stated that hard copies of the rules and regulations are available by the door and will also be posted on the Township's website. North Annville residents can apply for a permit beginning March 1st.

With regard to Nuisance Ordinance violations on School Creek Lane, Paul stated that he sent a violation letter on December 4th and no corrective action has since been taken. The question now is whether the Township wants to issue fines or seek a Court Injunction, which would order the property owner to clean up the property. Julie Kaylor asked for a description of the property, to which Paul replied that there is a multitude of abandoned vehicles and equipment scattered over the property. Randy stated that the Township just wants to see the property get cleaned up. Julie Kaylor suggested writing a letter to the property owner, to which Paul replied that a letter has previously been written and sent. Randy made a motion to authorize Paul to seek a Court Injunction to order the property owner to clean up the property. Clyde 2nd the motion, motion carried.

With regard to a zoning violation at 1005 North State Route 934, Randy stated that the Zoning Officer sent a notice in the past, but is now seeking authorization to issue a formal violation notice, which Paul described as a detailed notice. Randy made a motion to authorize the County Planning Dept. and the Zoning Officer to proceed with the issuance of a formal zoning violation notice for the property located at 1005 North State Route 934. In response to a question regarding the nature of the violation, Randy stated that a fence was constructed without obtaining a zoning permit and the fence is likely located too close to the road. Adam 2nd the motion, motion carried.

Next, Randy made a motion to appoint John Poff, Pat Brewer and Rick Horst to the Building Code Appeals Board, with Carrie Boyer as the alternate member. Clyde 2nd the motion, motion carried.

For the next item of business, Randy read a letter stating that the Lebanon County Agricultural Land Preservation Board desires to preserve the Kathleen Eisenhour, Linda Johnson & Glen Hess property, which consists of 79.33 acres located at 2501 Heilmandale Road.

For the Emergency Services Advisory Committee Report, John Bachman stated that Brion Smoker, Paul Bametzreider and another attorney met to review the bylaws, work out a timeline and discuss proper procedure. Fire Company meeting minutes will be attached to the Fire Co. Merger Memorandum of Understanding and sent to the Attorney General for approval.

For the Fire Company Report, Adam read the written report submitted by the Bellegrave

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Fire Co., which stated that the BFC, during the month of January, responded to 22 emergency incidents, which involved 76.04 man hours. Also during the month of January, five training sessions, involving 106 man hours were held. 134 man hours were spent on 64 other events, for total January man hours of 316.04 and 252 miles traveled.

Next on the agenda, Randy made a motion to authorize the North Annville Township Fire Police to provide security, traffic and crowd control for the Penryn Fire Company Mud Sale, to be held from 8:00 a.m. to 5:00 p.m. on Saturday March 16, 2024. Adam 2nd the motion, motion carried.

No business was presented or discussed for the Road Report.

No business was presented or discussed for the Planning Commission Report.

For the Zoning Hearing Board Report, Jim Hoffman, Chairman, stated that the ZHB met on February 6th to hear Country Lane Furniture's Petition for Variance in order to allow them to exceed the maximum allowed lot coverage. Jim continued by stating that the ZHB denied the request to exceed the maximum allowed lot coverage. Brian Keck questioned the basis for the ZHB's decision, to which Paul Bametzreider stated that Jim should not discuss the ZHB decision prior to the issuance of the Written Decision.

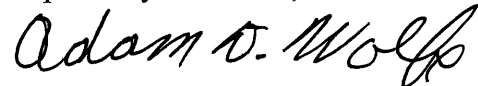
Next, Randy read the Annville Free Library's Thank You letters for the Township's donations.

For public comment, A.J. Griess questioned what the Comcast Cable Franchise Agreement entails, to which Paul replied that it includes a provision to extend coverage into currently unserved areas. A.J. stated that he lives on North Weaber St., to which Paul replied that there are not many residents on North Weaber St.; however, currently unserved residents can pay to have service run to them. A.J. stated that the cost to run service is quite exorbitant, to which Randy replied that he experiences the same problem and Comcast refuses to commit to providing universal coverage. A.J. then questioned service from Verizon, to which Paul replied that the Township would be required to provide Verizon the same opportunities as it provides to Comcast if Verizon approaches the Township. Adam stated that, a number of years ago, Verizon sought to extend service into North Annville Township; however, they did not follow through with their stated intention.

For the final public comment, Aaron Miller suggested that a proposed retirement residential zoning amendment should be removed from the website. Adam stated that he will take it down.

There being no further business, Adam made a motion to adjourn the regular meeting and convene an Executive Session, to discuss litigation and the potential acquisition of real estate, at 8:32 p.m. Clyde 2nd the motion, motion carried.

Respectfully submitted,



Adam D. Wolfe, Secretary

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Treasurer's Report:

| | | |
|---|-------------------|--------------------|
| Balance in State Fund January 8, 2024 | | \$627,758.30 |
| Receipts: Fulton Bank (FB) GIC Interest | \$33.83 | |
| PLGIT Interest | 15.73 | |
| PLGIT Reserve Interest | <u>2,516.35</u> | <u>\$2,565.91</u> |
| Balance after receipts: | | \$630,324.21 |
| Disbursements: | | |
| CK#: 449 Starner Excavating | \$11,492.50 | |
| 450 Pennsy Supply | <u>\$3,116.92</u> | <u>\$14,609.42</u> |
| Balance in State Fund February 12, 2024 | | \$615,714.79 |
| | | |
| Balance in General Fund January 8, 2024 | | \$1,039,555.59 |
| Receipts: District Court | \$18.09 | |
| Comcast Cable | 7,434.02 | |
| Recorder of Deeds | 4,767.95 | |
| Cleona Borough | 61.44 | |
| FB GIC Interest | 121.71 | |
| PLGIT Interest | 269.75 | |
| PLGIT Reserve Interest | 3,892.28 | |
| Keystone Municipal Collections | <u>77,079.31</u> | <u>\$93,644.55</u> |
| Balance after receipts: | | \$1,133,200.14 |
| Disbursements: | | |
| CK#: 6252 Countryside Propane, LLC | \$537.33 | |
| 6253 P & N Excavating, Inc. | 123.20 | |
| 6254 State Workers Insurance Fund | 640.00 | |
| 6255 MediaOnePA | 265.92 | |
| 6256 Leffler Energy | 452.98 | |
| 6257 Pennsylvania American Water | 40.54 | |
| 6258 Cleona Borough | 17,513.45 | |
| 6259 Barley Snyder, LLP | 4,094.00 | |
| 6260 Hackman Fire Equipment | 199.50 | |
| 6261 Kathy Sheffy | 100.00 | |
| 6262 ELA Group, Inc. | 3,888.10 | |
| 6263 Union Water Works Auxiliary | 160.00 | |
| 6264 Henry & Beaver | 40.00 | |
| 6265 Nolt Paving, LLC | 685.00 | |
| 6266 Becker Engineering | 244.00 | |
| 6267 Starner Excavating | 1,820.00 | |
| 6268 Josh Boyer | 1,000.00 | |
| 6269 James Hoffman | 25.00 | |
| 6270 Paul DeShong | 25.00 | |
| 6271 Gary Tshudy | 25.00 | |
| 6272 Jared Balsbaugh | 79.09 | |

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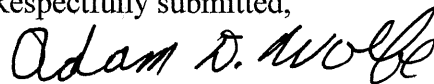
| | | | |
|---|--------------------------------|---------------|--------------------|
| 6273 | Ruth Rittel | 79.09 | |
| 6274 | Rebekah Sanders | 79.09 | |
| 6275 | Randall Leisure | 43.93 | |
| 6276 | Clyde Meyer | 43.93 | |
| 6277 | Adam Wolfe | 1,370.47 | |
| 6278 | Adam Wolfe | 140.96 | |
| 6279 | Keystone Municipal Collections | 78.12 | |
| 6280 | Adam Wolfe | 650.00 | |
| EFT | Comcast Cable | 139.15 | |
| EFT | Met-Ed | 83.42 | |
| EFT | IRS | <u>512.42</u> | <u>\$35,178.69</u> |
| Balance in General Fund February 12, 2024 | | | \$1,098,021.45 |

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|--|-------------------|-------------------|
| Balance in Public Sewer Fund January 8, 2024 | | \$33,694.59 |
| Receipts: H.R. Weaver Family Realty | <u>\$5,204.88</u> | <u>\$5,204.88</u> |
| Balance after receipts: | | \$38,899.47 |
| Disbursements: | | |
| CK#: 199 Annville Township Authority | <u>\$193.95</u> | <u>\$193.95</u> |
| Balance in Public Sewer Fund February 12, 2024 | | \$38,705.52 |

Summary:

| | |
|-------------------|------------------|
| State Fund | \$615,714.79 |
| General Fund | 1,098,021.45 |
| Escrow Acct. | 3,444.14 |
| Public Sewer Fund | <u>38,705.52</u> |
| Total all Funds: | \$1,755,885.90 |

Respectfully submitted,



Adam D. Wolfe, Treasurer