

**MINUTES OF THE ANNVILLE TOWNSHIP  
BOARD OF COMMISSIONERS**

**July 3, 2017**

The July Regular Monthly Meeting of the Annville Township Board of Commissioners was held starting at 7:30 PM on July 3, 2017 in the Commissioners' Room of Annville Town Hall, 36 North Lancaster Street, Annville, PA with the following members present: James W. Scott, Vice President; Thomas R. Embich, Treasurer; Henri B. Lively; and Joann F. Zimmerman. Also in attendance were Nicholas T. Yingst, Township Administrator and Secretary to the Board of Commissioners; Bernard Dugan, Chief of Police; Corey Lamoureux, Esq., office of the Township Solicitor; Anthony Deaven, Church Street; Conrad "Mike" Liles, North Railroad Street; and Adam Miller, Annville Free Library.

Vice President Scott 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:** Vice President Scott provided an opportunity for public comment and no comments were noted.

**APPROVAL OF MINUTES: MOTION** by Mr. Lively, second by Mr. Embich to approve the minutes of the Regular Meeting held June 5, 2017 as presented. Motion carried unanimously.

**REPORTS OF STANDING COMMITTEES:**

**Public Works:** The Public Works Report for June 2017 was reviewed, a copy of which is attached hereto and made a part of these minutes. The following items were then addressed:

**Overstreet Banners:** Per the report, Vice President Scott noted the estimated cost for the installation of poles, cables, and hardware to support overstreet banners was \$3,000, and adding in costs for preparation of agreements with the landowners of the properties on which the poles would be placed could result in a total project cost of \$4,000. It was also noted the existing ordinance prohibiting overstreet banners would need to be rescinded by adoption of another ordinance and a resolution adopted and filed with the Pennsylvania Department of Transportation (PennDOT) with information on the organization, size, message and event, and dates for each instance a banner is suspended over U.S. Route 422. Mr. Embich asked if there would be sufficient use to justify this expense and Vice President Scott noted several organizations who had expressed interest in advertising for community events via overstreet banners, including Destination Annville, the Friends of Old Annville, and the Memorial Day Parade Committee. Vice President Scott also noted a fee would be charged to applicants to offset the costs of renting a bucket truck to suspend and remove the banner. Ms. Zimmerman noted an overstreet banner would likely generate more publicity for community events than local newspapers that are suffering from diminished circulation. **MOTION** by Ms. Zimmerman, second by Mr. Lively to authorize (1) the installation of poles, cables, and hardware to support overstreet banners by French's LLC as well as additional costs pertaining to the preparation of agreements with the landowners of the properties on which the poles would be placed, the total estimated cost being \$4,000 and (2) preparation of an ordinance rescinding the existing ordinance prohibiting overstreet banners. Motion carried unanimously.

**Biosolids Management Database Agreement:** Mr. Yingst reported on the inability of the current biosolids management database to be migrated to new computers at the Public Works Department. He noted the Township Authority was recommending entering into an agreement with Material

## ***ANNVILLE TOWNSHIP PUBLIC WORKS DEPT.***

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### **WORK DONE FOR JUNE 2017**

- (1) **OVERSTREET BANNER**  
To install two poles at five feet deep and run wires and hardware across Route 422 will cost around \$3,000.
- (2) **SWEEPING**  
Spent 29 hours sweeping in Annville and ten hours in Cleona.
- (3) **BLACKTOPPING**  
I have calls into three contractors for pricing on paving this year (Hoffer, W&T, and Pennsy).
- (4) **BULK TRASH/GREENWASTE PICK-UP**  
We had three pickups this month.
- (5) **DOWNTOWN LIGHTS**  
Replaced two downtown streetlights and reported two town street lights out; we have two lights that need repaired for which we are waiting on parts.
- (6) **MULCH**  
Two loads taken to the park.
- (7) **STOP BARS**  
Installed stop bars at N. Saylor and Maple and N. Saylor and Liberty intersections.

Respectfully submitted,  
Les Powell

Matters, Inc. for licensing a biosolids management database for the new computers. Mr. Embich asked if biosolids testing was still being submitted to Penn State and Mr. Yingst confirmed it was. Mr. Embich noted Penn State had been involved with developing a similar management program in the past and suggested it be contacted to see if it would be able to provide this service and the Derry Township Municipal Authority (DTMA) be contacted for the same purpose. **MOTION** by Mr. Embich, second by Mr. Lively to authorize (1) the lump sum payment agreement with Material Matters, Inc., at a cost of \$8,950 for the licensing of a biosolids management database as presented and (2) the execution of this agreement by the appropriate Township officials, with both actions contingent upon Penn State and DTMA not being able to provide this service at a lower cost. Motion carried unanimously.

Sludge School: At the recommendation of the Township Authority, **MOTION** by Mr. Lively, second by Ms. Zimmerman to authorize Les Powell, Keith Heck, and Christopher Koehler to attend sludge school offered by the Pennsylvania Rural Water Association on August 15, 2017 at a cost of \$190 per participant. Motion carried unanimously.

Sampling and Testing Fee: Mr. Yingst reported the Township Authority recommended a change to the Township Code of Ordinances pertaining to when the \$250 sampling and testing fee is waived in regards to the Township's limitations on Total Suspended Solids (TSS), Biochemical Oxygen Demand (BOD), and Fats, Oils, and Grease (FOG). Vice President Scott asked if the recommendation of the Authority was based upon fairness and Mr. Yingst confirmed it was. Mr. Lively asked if the current system resulted in a greater proportional cost impact on smaller sampled entities than larger ones. Mr. Yingst confirmed this and noted this was the impetus for the Authority's review of the current requirements and ultimately its recommendation to change them. Vice President Scott asked if a revision of the current limitations for TSS, BOD, and FOG was considered instead. Mr. Yingst indicated it was and noted he conducted a survey of several nearby municipalities in which he learned the Township's limitations were similar to those around it. He also shared how a change to the limitations would not likely address the problem experienced by smaller entities based upon a review of historical testing results. **MOTION** by Mr. Embich, second by Mr. Lively to authorize the preparation of an ordinance waiving the sampling and testing fee on the subsequent sewer bill for an entity whose total surcharge for TSS, BOD, and FOG is less than \$25 for consecutive testing periods. Motion carried unanimously.

Public Safety: The Police Statistical Report for June 2017 was reviewed, a copy of which is attached hereto and made a part of these minutes. The following items were then addressed:

Automated Red Light Enforcement (ARLE) Funds Grant Application for Rectangular Rapid Flash Beacons (RRFBs): Police Chief Dugan reported he filed a grant application for ARLE funds to PennDOT the prior month for a project that, if approved, he believed would significantly improve awareness of pedestrian crossings. He noted the project would include the installation of RRFBs at 12 crosswalks along U.S. Route 422 and State Route 934 as well as an improved crosswalk at Annville Elementary School and the Township's anticipated contribution would be of an in-kind nature for the installation of the equipment. **MOTION** by Mr. Lively, second by Ms. Zimmerman to ratify the filing of a grant application for ARLE funds as described above. Motion carried unanimously.

# Annville Township Police Department

## MONTHLY REPORT JUNE 2017

Total Calls by Call Type From: 5/26/2017 To: 6/29/2017

<u>Call Type</u>	<u>Total Calls</u>
TRAFFIC ENFORCEMENT - CITATION	35
PARKING ENFORCEMENT	31
TRAFFIC ENFORCEMENT - WARNING	28
AMBULANCE CALL	18
BACKGROUND INVESTIGATION	14
ASSIST OTHER POLICE	8
ACCIDENT, NON-REPORTABLE	7
DOMESTIC DISPUTE	7
LOST & FOUND	7
PARKING COMPLAINT	7
SUSPICIOUS ACTIVITY	6
ALARMS	5
DRIVING COMPLAINT	5
ACCIDENT, HIT & RUN	4
ACCIDENT, REPORTABLE	4
CIVIL MATTER	4
FIRE CALL	4
POLICE INFORMATION	4
WARRANT	4
CHECK ON WELL BEING	3
DOG COMPLAINT	3
HOUSE CHECK REQUEST	3
SUSPICIOUS PERSON	3
ADMINISTRATIVE FINGERPRINTING	2
ANIMAL COMPLAINT	2
ASSIST MOTORIST	2
BACKGROUND INVESTIGATION - RECORD RELEASED	2
CRIMINAL MISCHIEF	2
DRUG VIOLATION	2
LANDLORD/TENANT ISSUE	2
PUBLIC DRUNKENNESS	2
REQUEST FOR AID	2
SOLICITING - ORDINANCE	2
THEFT- BICYCLE	2
TRAFFIC COMPLAINT	2
911 HANGUP	1
ASSIST OTHER AGENCY	1
BURNING - COMPLAINT	1
BURNING - ORDINANCE	1
CURFEW - ORDINANCE	1
DOG - MISSING / LOST	1
DRUG INFORMATION	1
DUI	1





ANNVILLE TOWNSHIP POLICE  
MONTHLY REPORT  
JUNE 2017



• CALL FOR SERVICE	265
• ORDINANCE VIOLATIONS	
1. PARKING	7
2. BURNING	2
3. DOG	3
4. ORDINANCE – OTHER	1
5. DRUG VIOLATION	2
6. CURFEW	1
7. OPEN CONTAINER	1
8. SOLICITING	2
• CRIMINAL ARRESTS	12
○ ADULT	10
○ JUVENILE	2

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Accident Locations

• TOTAL TRAFFIC CITATIONS	35	
• TOTAL TRAFFIC WARNINGS	28	- 934 & Heisey Road
• TOTAL NON-TRAFFIC CITATIONS	6	- W. Main & Chestnut Sts.
• TOTAL VEHICLE ACCIDENTS	15	- S. Lancaster & W. Cumberland Sts.
○ REPORTABLE	4	- 934 & Sheridan Ave.
○ NON-REPORTABLE	7	- 934 & 422
○ HIT & RUN	4	- 934 & Marshall Street
		- Arnold Sports Center Parking Lot
• PARKING TICKETS ISSUED	31	- 750 East Main Street
• DUI	1	- 50 West Main Street
		- 225 West Main Street
		- 200 Block West Main Street
		- 1 <sup>st</sup> Block South Manheim Street
		- 145 North Ulrich Street
		- 112 West Main Street
		- 1102 East Main Street

Authorization of Handicapped Parking Space on North Mill Street: Noting a request for a handicapped parking space was received by the resident at 505 West Main Street, **MOTION** by Mr. Lively, second by Mr. Embich to authorize the painting of and installation of appropriate signage for a handicapped parking space on North Mill Street and to instruct the Township Administrator to memorialize this action in the next omnibus ordinance. Motion carried unanimously.

Street Closure for Car Show: Mr. Yingst reported that Mike Beare of the Corvette Grille and Bar requested that South King Street be closed from West Main Street to West Cumberland Street on July 8, 2017 from 12 Noon to 6 PM for its 15<sup>th</sup> annual car show. Mr. Beare also requested that eight parking spaces on the south side of West Main Street—four to the east of South King Street and four to the west of South King Street—be posted as “No Parking” for the same date and times. **MOTION** by Mr. Lively, second by Ms. Zimmerman to approve the closure of South King Street from West Main Street to West Cumberland Street and the posting of “No Parking” of eight parking spaces as identified above for the Corvette Grille and Bar Car Show on July 8, 2017 from 12 Noon to 6 PM. Motion carried unanimously.

Street Closure for Independence Day Concert at Lebanon Valley College (LVC): Mr. Embich indicated he nearly had a vehicle crash with a food truck on East Sheridan Avenue prior to the concert at LVC the prior week. Police Chief Dugan indicated the street closure had been authorized by the Board several months prior and he agreed to look into whether the street was closed at a sufficient time based upon information provided by Mr. Embich.

No Parking for Street Tree Pruning: Mr. Yingst requested the portions of West Main Street that will be affected by the volunteer street tree pruning on July 15, 2017 be posted for no parking. **MOTION** by Mr. Lively, second by Mr. Embich to approve the posting of “No Parking” for the onstreet parking spaces on both sides of West Main Street from Concord Street to White Oak Street on July 15, 2017 from 8 AM to 12 Noon. Motion carried unanimously.

Pennsylvania State Police Leadership Course: Police Chief Dugan reported that Police Sergeant William Stickler was one of just twelve officers throughout the state selected to participate in a multi-week leadership course conducted by the Pennsylvania State Police. He noted that Sergeant Stickler graduated from this course the prior week and the State Police Commissioner was in attendance at this event. The Board asked Chief Dugan to pass along its appreciation and congratulations to Sergeant Stickler for his participation in and successful completion of this course.

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

Settlement of the Property at 25-33 and 35 Rear East Main Street: Ms. Zimmerman reported that closing on the property at 25-33 and 35 Rear East Main Street occurred on June 12, 2017 and the property was now owned by Fink’s Properties LLC.

Town Hall Roof Replacement: Ms. Zimmerman reported the first of two advertisements seeking bids for the Town Hall roof replacement ran on June 27, 2017. A pre-bid meeting was scheduled for 9 AM on July 13, 2017 and bid opening was scheduled for 1 PM on July 27, 2017, both at

Town Hall. According to that schedule the Board of Commissioners would be able to award the bid at its Regular Meeting on August 7, 2017, with the notice to proceed to be issued shortly thereafter.

Town Hall Basement Door Replacement: Ms. Zimmerman reported that proposals were received from three contractors to replace the exterior door in the basement of Town Hall. She noted the door was being replaced to improve the security of the building generally and evidentiary security for the Police Department specifically and would be funded, in part, from Capital Reserve Fund monies budgeted but unspent remaining from the Police Department flooring project. Proposals were received from Holmes Building Services, Shank Door, and State Drive Contracting, and she noted the quote from Holmes was the lowest bid at \$3,499.35. **MOTION** by Ms. Zimmerman, second by Mr. Embich to (1) award the Town Hall basement door replacement project to Holmes Building Services at a cost of \$3,499.35 and (2) authorize the execution of the proposal as presented by the appropriate Township officials. Motion carried unanimously.

Parks & Recreation and Hazard Mitigation Grant Program (HMGP) Project: Vice President Scott reviewed the Parks & Recreation and HMGP Report for June 2017, a copy of which is attached hereto and made a part of these minutes. The following items were then addressed:

Bachman's Mill Historical Marker: At the request of the Quittie Creek Nature Park Committee (QCNPC), **MOTION** by Ms. Zimmerman, second by Mr. Lively to authorize the Public Works Department to assist members of the QCNPC with the installation of the historical marker at the site of the former Bachman's mill. Motion carried unanimously.

Quittie Park East Trail: At the request of the QCNPC, **MOTION** by Mr. Lively, second by Ms. Zimmerman to authorize the Public Works Department to consult with representatives of the QCNPC to determine the route of the new trail connecting the end of the entrance ramp in Quittie Park East to the existing trail that winds along the creek and to prepare for its installation by killing the grass for the width of four feet along that route. Motion carried unanimously.

Finance: Mr. Embich reviewed the Financial Report for June, highlighting the total income and expenses for the sixth month of 2017. A copy of the report is attached hereto and made a part of these minutes.

Permits: The Permits Report for June 2017 was reviewed, a copy of which is attached hereto and made a part of these minutes.

Annville Activities: Vice President Scott reviewed the Annville Activities Report for June 2017, a copy of which is attached hereto and made a part of these minutes.

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

**REPORTS OF SPECIAL COMMITTEES:**

**ANNVILLE TOWNSHIP BOARD OF COMMISSIONERS**  
**STANDING COMMITTEE: PARKS AND RECREATION / HMGP (J. Scott)**

July 3, 2017

**QUITTIE CREEK NATURE PARK**

The Quittie Park Committee of Friends of Old Annaville met on Sunday, June 25, at the Annaville Train Station.

The Committee learned that the plan to acquire more land for the park is moving forward. Ian Mont has signed an agreement to authorize an easement over his property to provide access at the end of East High Street. Mr. Graham has agreed to sign an agreement of sale as soon as his lawyer has approved the minor changes he requested. Friends of Old Annaville will begin soliciting funds to pay for the subdivision and purchase later this week.

With regard to the ADA fishing site, Chad Smith of Steckbeck Engineering submitted an invoice for \$296.28 for surveying the wetlands, details necessary for the permit application but not provided by the Vortex Environmental delineation of these wetlands. Mr. Smith also provided a line item list of estimated engineering costs to complete the application for a total of \$4900. This was a sobering development and in view of the immediate need to come up with the money needed to finance the land purchase, the Park Committee decided to defer further work on the fishing site. Steckbeck Engineering subsequently agreed to hold the present invoice with the notion of including it with their billing at a later time.

**DISCUSSION: Is the Township prepared to offer cost-sharing to move the permitting effort along?**

The Park Committee has purchased a historical marker for the site of the former Bachman gristmill. The marker and its supporting post have now arrived. They would like to have ATPW assist in installing this marker.

**MOTION: to authorize Public Works to assist members of FOOA's Quittie Creek Nature Park committee with the installation of their historical marker at the site of the former Bachman's mill.**

The Park Committee would like to create a new trail connecting the end of the entrance ramp in Quittie Park East to cross the meadow and connect to the existing trail that winds along the creek. The ATPW has delivered two dumpster loads of mulch to surface the trail. The Committee now proposes to place flags along the proposed route skirting the northern edge of the meadow. They request that ATPW kill the grass along this route for a width of four feet to serve as a plant-free base for the new trail.

**MOTION: to authorize Public Works to consult with representatives of the Nature Park Committee to determine the route of the new trail and prepare for its installation by killing the grass for the width of four feet along that route.**

Members of the Park Committee discussed the concern with a large patch of invasive knotweed flourishing on the former Kyle Smith homestead. The Public Works Department was aware of this weed and proposes to cut and burn it in the fall and follow up in the spring with herbicide, should it return.

The ATPW's program to treat the outcroppings of poison hemlock with herbicide has been 90% effective along the main trail. Surviving specimens are now tall plants with sparse leaves and large flower heads. The Committee plans to chop these down to prevent them from developing seeds. Early spring spraying remains the most effective way of dealing with this noxious and invasive species.

**HAZARD MITIGATION GRANT PROGRAM**

Township Administrator Yingst has complied with a PEMA/FEMA request for additional documentation as the review of the second project (5 properties) winds down.

## Permits Report

Month of June 2017

Plumbing Permits issued	_____	_____
Plumbing Licenses issued	_____	_____
Excavator Licenses issued	_____	_____
Total Curb/Sidewalk Permit Fees Collected		_____
Total Street Cut Permit Fees Collected		<u>\$1,200.00</u>
Total Tapping Fees Collected		_____

### Tapping Fees

#### Building Permits

#16-17	Rita Stima	Erect a new structure
#17-17	Donald & Martha Coffman	Add to structure
#18-17	Narrows Glen, Inc.	Erect a new structure
#19-17	Benjamin & Stacey Berard	Add to structure
#20-17	Elias & Freda Scantzios	Erect/Replace a sign
#21-17	Frederick & Debra Hess	Change of use
#22-17	Alice Decker	Erect a new structure
#24-17	David & Rhonda Bentz	Erect a new structure
#26-17	John & Dorothy Murphy	Replace, add to a structure
#27-17	Stone Hill Village	Erect a new structure

#### Curb/Sidewalk Permits

#### Street-Cut Permits

#17-44	200 N. White Oak St (cut on E. Sheridan)	UGI Utilities, Inc.	Install gas service
#17-45	125 N. Railroad St.	UGI Utilities, Inc.	Install gas service
#17-46	28 E. Queen St.	UGI Utilities, Inc.	Cut off gas service
#17-47	49 S. King St.	UGI Utilities, Inc.	Cut off gas service
#17-48	449 W. Queen St.	UGI Utilities, Inc.	Cut off gas service

#### Burn Permit

**ANNVILLE COMMUNITY ACTIVITIES COMMITTEE**

The Committee met on Thursday, June 22, 2017 to review the organization of the 2017 Memorial Day Parade. After agreeing that this year's event had gone well, the committee discussed several areas for improvement.

- There was a large gap in the first division caused by the lead-off units outpacing the Quittapahilla Highlanders Pipe and Drum band. The Committee decided that in the future the lead car will have a radio and serve as a pace car for the entire parade.
- The current commandant noticed the absence of equipment from the Gap. The contacts that Carl Gacono had established have retired. Becky Gacono has now established new contacts with the current commanding officer. He was amazed by the effort the Committee has put forth and promised a more robust presence in the future.
- The stage was not much used. The Committee decided to eliminate the tiered reviewing stand in the future and requested instead one low platform for the program participants instead. This will save most of half a day's work by the ATPW set-up crew.
- The Committee was disappointed with the smaller size of the audience for the memorial program this year. They noted declining attendance over the past several years. The Committee believes the Memorial Service to be the main purpose of the entire parade. In an effort to increase attendance at this concluding event, the Committee is considering ending the parade at College Avenue and locating the reviewing stand and memorial service at the intersection of College and Main or in front of the library. This proposal remains under discussion.
- The young people obliged to perform community service appeared as arranged and served as banner carriers for the various divisions. The Committee thanks the ATPD for facilitating this arrangement: banner carriers are hard to find!
- The Parade Committee will meet again in January 2018 to begin to prepare next year's parade.

**ANNVILLE FREE LIBRARY**

*BOOK IT! 5K family walk/run: Saturday, June 10, 2017, 8:00 AM.*

The event planned to kick off Historic Old Annaville Day went off on schedule under a cool and cloudy sky with refreshing spritzes of rain. The number of sponsors increased substantially and paid for all expenses. A new pricing policy for families helped increase the number of runners and walkers to 108. All this resulted in raising a larger sum to support the work of the Free Library.

**FRIENDS OF OLD ANNVILLE, HOAD COMMITTEE**

*Historic Old Annaville Day: Saturday, June 10, 2017*

The HOAD committee of FOOA under the direction of its chairman, Doug Nyce, met June 12 at 7:00 in Mr. Nyce's home as the train station was not available. The general opinion found that this year's event had gone well. ATPW had to deal with an electrical fire and 7:00 AM, but after that everything had gone smoothly. The Committee had high praise for the ATPW crew saying that they had been good to work with and were always willing to go the extra mile. ATPW crew chief Joe Viozzi reported that the community service workers from Lebanon County Juvenile Probation had shown up on time and provided valuable help with the clean up effort. The short list of things that had not gone so well included the PennDOT sign which displayed the wrong time (8:00 AM for the closing instead of 7:00 AM), two jewelry vendors that ended up in adjacent booths, vendors and visitors filling the Batdorf restaurant parking lot, and the Washington Band's instrument zoo--very popular with children but not so much with other musical acts as

the zoo was directly opposite the main stage. A further concern was with the street paving and whether this would remove the painted booth numbers.

### **GO AND BE ACTIVE THIS SUMMER!**

*Monday, June 5 -- Monday, August 14.*

The walking and reading program is in full swing. Booklets for would-be participants are available in the Free Library and Annville's marker plate is in position along the Quittie Park Nature Trail.

### **INDEPENDENCE DAY CONCERT ON THE QUAD**

*Friday, June 30. Food Trucks from 5:00 PM; Concert at 8:00 PM.*

At this point, we can only hope that the seasonably warm weather did not result in one of the brief thunderstorms such weather can produce.

### **OVER-STREET BANNER POLES**

Public Works supervisor Powell and Commissioner Scott met with Tom Risser (Annville Auto) and Greg Weaver (Tents & Events) to determine the best location for installing the poles. This was done to the satisfaction of all involved. The poles will stand beside existing poles opposite the Annville Auto sign. Administrator Yingst has provided an estimated cost of \$3500 to cover installation, hardware, and appropriate legal agreements with the property owners.

**MOTION: To authorize Township officials to proceed with the installation of poles to support an over-street banner at a cost not to exceed \$3500.**

### **HOMETOWN HERO BANNERS**

This project remains under investigation.

### **ANNVILLE COMMUNITY NIGHT OUT**

*Tuesday, August 1, 5:00--8:30 on the grounds of St. Paul's Catholic Church*

The ATPD has planning for this event underway. For the first time in several years the Washington Band will be back to entertain and the Quittapahilla Highlanders will also play a short program to close the evening. Community organizations wishing to have a booth should contact the Police Department.

### **INBEV'S BUDWEISER CLYDESDALES COME TO TOWN**

*Tuesday, September 5, 11:00 AM--1:00 PM*

The promoter would like to advertise the visit with an over-street banner and would need to know by early August if this will be possible.

**Executive Sessions:** Mr. Yingst reported an Executive Session was held earlier in the evening to discuss real estate matters. Ms. Zimmerman requested an Executive Session following the adjournment of the meeting to discuss a personnel matter.

**Planning Commission:** Mr. Yingst reported the Planning Commission did not meet in June and was not expected to meet in July.

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

**Historic Architectural Review Board (HARB):** Mr. Embich reviewed the HARB Report for June 2017, a copy of which is attached hereto and made a part of these minutes. The following item was then addressed:

**Replacement of Windows at 216 East Main Street (Annville Free Library):** At the recommendation of HARB, **MOTION** by Mr. Embich, second by Mr. Lively to issue a Certificate of Appropriateness for the replacement of windows at the property at 216 East Main Street. Motion carried unanimously.

**Wage & Salary:** Mr. Yingst reported the Wage & Salary Committee would likely be meeting sometime during the month to review employee performance reviews.

**Information Technology:** Nothing to report this month.

**Spruce Street Bridge:** Mr. Embich reviewed the Spruce Street Bridge Report for June 2017, a copy of which is attached hereto and made a part of these minutes.

**Stormwater Management:** Mr. Embich reviewed the Stormwater Management Report for June 2017, 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 June 2017, a copy of which is attached hereto and made a part of these minutes. He reviewed a letter from the Executive Director of the GLRA regarding air quality in Lebanon County and the municipalities that have burning ordinances attempting to preserve this. While Mr. Embich noted the sufficiency of Annville Township's burning ordinance, he also noted the adjacent townships of North Annville and South Annville do not currently regulate burning.

**Fire Department:** The receipt of the Union Hose Company's audited financial statements for 2016 was noted and Ms. Zimmerman indicated she planned on attending the July 5, 2017 monthly meeting of the Fire Department.

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

**OLD BUSINESS:**

T. Embich reports: 07-03-2017 BOC

Thomas Embich

Agenda Items: VI – D, G, H & I

Date: June 29, 2017 report for July 03, 2017 Meeting

## **Item VI- D HISTORIC ARCHITECTURAL REVIEW BOARD**

1. The June 12 meeting reviewed the application for window replacement at the Annville Free Library with a window of style and substance comparable to the windows approved previously for the Patriot House.

**ACTION: Recommend approval of Annville Free Library windows replacement proposal.**

## **Item VI -G SPRUCE STREET BRIDGE**

1. No new information regarding the bridge project.

**ACTION: None**

## **Item VI -H Stormwater management**

1. Mr. Yingst and Esquire Lamoureux confirmed that a satisfactory agreement for membership in the MS4 Consortium was approved. In addition the intergovernmental agreement for the MS4 Consortium has been circulated to Board members and an authorizing Ordinance (no. 657) to execute the agreement is before you.  
NOTE: Mr. Yingst may have comments regarding the financial commitment we may have under the agreement.
2. The LCCWA meeting on June 27, 2017, at 10 AM at North Lebanon Township Offices, was well attended. Issues relating to additional public outreach and education are moving forward; recognition of the MS4 Consortium group was reviewed and a revision to the NFWF grant application for \$50,000 will focus on financial strategy, O&M for municipalities, and technical assistance for LCCWA members.
3. Next LCCWA meeting is slated for August 29, 2017, 10 AM at North Lebanon Township Office.

**ACTION: Move to adopt Ordinance 657 authorizing execution of the intermunicipal agreement for Annville Township to join the MS4 consortium.**

## **ITEM VI-1 GLRA (GREATER LEBANON REFUSE AUTHORITY)**

1. All minutes and reports are available at <http://www.goglra.org/DocumentCenter/Home/View/>.
2. Several compliance letters regarding improper waste handling, particularly trash burning incidents, were issued during June. Also, the Umbriac Trucking case is drawing to a close.
3. For review and comment, a memorandum regarding "Open Burning in Lebanon County" published by Executive Director Taylor is provided. No specific action is required other than to advocate promotion of the "Recommendation" section of the memorandum (31 May 2017).
4. The next GLRA meeting is slated for June 06, 2017.

# MEMORANDUM

**TO:** County Commissioners  
Board of the Authority  
FILE

31-May-17

***SUBJECT: Open Burning in Lebanon County***

The Commissioners office received a comment from a resident of the County following the publishing of the "State of the Air" Report<sup>1</sup>. In that report Lebanon County received an "F". The comment from the resident was that some of the poor air quality is the result of still allowing (open) burning in Lebanon County; he respectfully requested action on this issue. To provide background on this issue and address the need for action the following summary of the state of open burning within the County was prepared.

1. Pennsylvania law allows the open burning of "Domestic Refuse", unless the community is mandated to recycle Act 101 materials. In "Mandated Communities" the state requires the adoption of an ordinance that precludes the burning of Act 101 materials. The term "Domestic Refuse" generally refers to paper, cardboard, wood and similar cellulose materials. Act 101 materials excluded would be high grade office paper, corrugated paper, and newsprint. Domestic Refuse does not include "such items as demolition waste, insulation, shingles, treated wood, paint, painted or stained objects or furniture, tires, mattresses, box springs, metal, insulating coating on wire, television sets and appliances, automobiles, automotive parts, batteries, PVC products, waste oil and other petroleum products." As a quick rule of thumb, if it produces black smoke it is harmful and not permitted.
2. Pennsylvania law precludes completely open burning of any sort by a business.
3. The exception carved out by specific legislative action is the "Agricultural Exemption".

*Section 4.1. Agricultural Regulations Prohibited.—The ENVIRONMENTAL QUALITY BOARD shall not have the power nor the authority to adopt rules and regulations relating to air contaminants and air pollution arising from the production of agricultural commodities in their unmanufactured state but shall not include the use of materials produced or manufactured off the premises of the farm operation.*

In short, if it grows on the property it may be burned on the property. Many farm operations rely incorrectly on this exemption to burn plastic, buildings, and other material not produced or grown on the property.

4. In Pennsylvania it is then left up to the individual county or municipality to refine the law further. Lebanon County municipalities have, for the most part, stepped forward to embrace recycling. In the process of supporting recycling they have written ordinances that addressed open burning to specifically exclude recyclable materials. Through this process they become eligible for state grant funds associated with recycling. The ordinances vary in strength from

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<sup>1</sup> While the negative health impact from open burning is irrefutable, the State of the Air Report did not note open burning as a causative factor in this grade.

- "No Burning", "No Burning, Standard Exceptions" (cooking, campfire, written bonfire permit) to "Domestic Refuse only plus Standard Exceptions". In many cases items defined as Domestic Refuse are specifically excluded from burning by an ordinance modified by a Recycling Ordinance addressing Act 101 Recyclable Materials.
5. Of the twenty six municipalities in Lebanon County only four do not have an ordinance restricting burning; Cold Springs, East Hanover, North Annville and South Annville. Effectively the bulk of the County has some type of open burning restriction. Those that do not have a functional ordinance still fall under the purview of State Law generally limiting the burning of waste to Domestic Refuse. A summary of current municipal ordinances is attached reflecting general status as of May 2017.
  6. Despite the ordinances there remains a lot of uncontrolled open burning in the county. This seems to be an issue of individual education, education of municipal officials and personnel, and municipal enforcement of existing ordinances.
  7. The Greater Lebanon Refuse Authority currently assigns the role of Enforcement Officer of the County Solid Waste Regulations to the Executive Director of the GLRA. In this role he has been called on in numerous municipalities to provide education and if necessary enforcement action on open burning in addition to numerous other waste management violations.
  8. The proper place for the initial enforcement of municipal burning ordinances is best accomplished at the local level. This does happen in some municipalities, with great success as a "team" approach with the GLRA.

#### **CONCLUSION:**

1. The regulation of open burning within the County is slowly occurring driven by both population pressure in increasingly residential areas and by Act 101 mandatory and voluntary compliance measures.
2. The enforcement of ordinances is lagging far behind the creation of ordinances. When open burning becomes a nuisance and an ordinance is present it is utilized.
3. It currently appears as if action by the County Commissioners to regulate open burning beyond an emergency action would be a duplication of regulations already in place.

#### **RECOMMENDATION:**

1. Continue to provide education and enforcement through the joint efforts of the local municipalities and the GLRA.
2. Whenever possible encourage those municipalities without any open burning ordinance to adopt one. As the opportunity presents itself encourage those municipalities with an allowance for Domestic Refuse burning to eliminate that allowance and encourage recycling.
3. Continue to educate municipalities and the community on the definition of "Domestic Refuse" and the "Agricultural Exemption" and how even in the absence of a specific ordinance these regulations govern as a minimum standard.

LAWRENCE D. TAYLOR P.E.  
EXECUTIVE DIRECTOR

**Ordinance No. 655 – Pawn Shops and Secondhand Shops:** Mr. Yingst presented proposed Ordinance No. 655, adding Part 3, “Pawn Shops and Secondhand Shops”, to Chapter 13, “Licenses, Permits and General Business Regulations”, of the Township Code of Ordinances. It was noted the proposed ordinance was properly advertised and could be considered for adoption. Mr. Lively inquired as to the purpose of the ordinance and Police Chief Dugan indicated it had been recommended by the Lebanon County District Attorney’s Office in order to provide better oversight of items that have a tendency to be stolen and resold. Chief Dugan shared it was based on ordinances used by other nearby municipalities intending to exercise this oversight via routine reporting requirements. Vice President Scott asked if there were any entities in the Township that would be required to do this reporting and Chief Dugan indicated those entities he was aware of and that the Police Department would be reaching out to them to inform them of the new requirements and to educate them on compliance. Mr. Embich asked if this would pertain to yard sales and Chief Dugan indicated it would not. With no further discussion noted, **MOTION** by Mr. Embich, second by Ms. Zimmerman to adopt Ordinance No. 655, adding Part 3, “Pawn Shops and Secondhand Shops”, to Chapter 13, “Licenses, Permits and General Business Regulations”, of the Township Code of Ordinances, as presented. Motion carried unanimously and a copy of this ordinance is attached hereto and made a part of these minutes.

**Ordinance No. 656 – Public Assemblies:** Mr. Yingst presented proposed Ordinance No. 656, adopting rules and regulations for public assemblies and applications for public assemblies. It was noted the proposed ordinance was properly advertised and could be considered for adoption. Mr. Lively reflected that the ordinance provided good parameters to ensure the safety of both the public and those participating in such assemblies. Vice President Scott asked if an application had been developed and Mr. Yingst indicated it had been. Mr. Embich asked if community events would be regulated by this ordinance and Mr. Yingst indicated only those events that met the ordinance’s definition as a “First Amendment Activity” would be regulated by the ordinance. With no further discussion noted, **MOTION** by Mr. Lively, second by Mr. Embich to adopt Ordinance No. 656, adopting rules and regulations for public assemblies and applications for public assemblies, as presented. Motion carried unanimously and a copy of this ordinance is attached hereto and made a part of these minutes.

**Ordinance No. 657 – Authorizing Execution of an Intermunicipal Agreement for the Implementation of the Lebanon Area Regional Pollutant Reduction Plan (PRP):** Mr. Yingst presented proposed Ordinance No. 657, authorizing execution of an intermunicipal agreement by and between the Township, City of Lebanon, Cleona Borough Authority, North Cornwall Township, North Lebanon Township, and South Lebanon Township for the implementation of the Lebanon Area Regional PRP, as well as the agreement it referenced. It was noted the proposed ordinance was properly and jointly advertised and could be considered for adoption. At the request of Mr. Embich, Mr. Yingst discussed the costs associated with this agreement. In particular, he noted the anticipated annual costs to fund the implementation of the PRP had been reduced by several thousand dollars from the initial estimate. He also noted the Township would incur additional shared costs for the creation of the PRP that would be submitted to the Pennsylvania Department of Environmental Protection and the Township’s successful efforts to reduce its contribution toward this, as well as additional costs that would be incurred for the Lebanon County Redevelopment Authority to administer the consortium created by this agreement. Vice President Scott expressed his belief the intergovernmental cooperation authorized by this ordinance was a

ORDINANCE NO. 655

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF ANNVILLE, LEBANON COUNTY, PENNSYLVANIA, ADDING PART 3, "PAWN SHOPS AND SECONDHAND SHOPS", TO CHAPTER 13 ("LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS") OF THE CODE OF ORDINANCES OF ANNVILLE TOWNSHIP.

BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Annville, Lebanon County, Pennsylvania, and it is hereby ordained and enacted as follows:

SECTION 1. The provisions of Chapter 13, "Licenses, Permits, and General Business Regulations", of the Code of Ordinances of Annville Township, are revised by adding the following part:

13-301. Title. This part shall be known and may be cited as the "Annville Township Pawn Shops and Secondhand Shops Ordinance".

13-302. Definitions. The following terms are hereby defined for purposes of interpretation, administration, and enforcement of this part.

*Township:* Annville Township, Lebanon County, Pennsylvania.

*Dealers in Secondhand Goods:* Includes any person who otherwise in the normal course of business purchases personal property not from a retail or wholesale entity or auction for the purposes of reselling the property.

*Pawnbrokers:* Includes any person who:

- A. Engages in the business of lending money on the deposit or pledge of personal property other than those in action, securities or written endeavors or indebtedness;

- B. Purchases or receives personal property with an express or implied agreement or understanding to sell it back at a subsequent time at a stipulated price; or
- C. Lends money upon goods, wares or merchandise pledged, stored or deposited as collateral security.

*Pledge:* An article or articles deposited with a pawnbroker as security for a loan during his/her business as defined in Subsection C of the definition "pawnbrokers."

*Pledger:* The person who obtains a loan from a pawnbroker and delivers a pledge into the possession of a pawnbroker, unless such person discloses that he is or was acting for another, in which case a "pledger" means the disclosed principal.

*Police Department:* The Annville Township Police Department or any successor entity which provides law enforcement services within the Township.

*Target Goods:* Items including, but not limited to, jewelry, cameras and photographic equipment, gold coins or bars, silver coins or bars, copper tubing, electronics equipment such as televisions or VCRs or radios or computers or computer equipment or microwave ovens, antiques, currency collectibles such as coins or stamps, and any other item of value likely to be the subject of criminal activity such as burglary or theft. Hereafter, the Police Department may update this definition by sending a list of categories of "target goods" to pawnbrokers and dealers in secondhand goods identifying themselves as such.

13-303. Records Required. Each pawnbroker or dealer in secondhand goods shall keep a book legibly written in the English language in which shall be recorded:

- A. A full and accurate description of all articles purchased or left in pawn with them, including any serial number thereon;
- B. The date and time of pawning or purchasing the same;
- C. The date and time within which such pawned or pledged article is to be redeemed;
- D. The amount of money lent or paid therefor; and
- E. The description of the person or persons, including such person's name, date of birth, address, driver's license number or social security number, and a physical description including sex, approximate age, race, height, and any identifying features.

13-304. Report Required.

- A. At the time of any transaction in target goods, the pawnbroker or dealer in secondhand goods shall make a record of the name, date of birth, address, driver's license number or the social security number of the pawner or seller in secondhand goods in the transaction. Such information shall be supplied to the Police Department as part of the report required hereunder.
- B. All pawnbrokers and dealers in secondhand goods shall make out and deliver to the Chief of Police or his duly authorized representatives, before 12:00 noon of every Monday, or the next following business day if the Monday is a holiday, a legible and accurate report of all target goods taken in pawn or purchased during the preceding business week. Such report shall contain the name or names of the pawners or sellers and accurate, detailed description, together with serial numbers thereon, if any, of all target goods taken in pawn or purchased, together with the amount loaned on or paid

for such target goods. Target goods, whether taken in pawn or purchased, shall not be sold, resold or otherwise disposed of for a period of at least 15 days after pawn or purchase by such pawnbrokers or dealers, but this requirement shall not apply to the redemption of a lawfully pledged article by the pledger. Pawnbrokers and dealers shall permit the Chief of Police or his duly authorized representatives to inspect any target goods in his possession at any time during regular business hours. Failure to timely submit report shall be a violation of this chapter.

13-305. Forbidden Transactions. No pawnbroker or dealer in secondhand goods shall purchase or take in pawn any goods of any kind from any person under 18 years of age, or goods that they know are stolen, or believed to be stolen.

13-306. Violations and Penalties; Remedies.

- A. Whoever violates any provision of this chapter shall be fined not less than \$500 nor more than \$1,000, plus costs of prosecution, and in default of payment thereof, shall be imprisoned for not more than 90 days. Each day or portion thereof in which a violation exists shall be considered a separate violation of this chapter. Each section of this chapter which is violated shall be considered a separate violation. Such fine shall be in addition to any other fine which may be imposed under the provisions of any other ordinances of the Township, Pennsylvania law, or federal law.
- B. In addition to or in lieu of the penalties provided in Subsection A hereof, any violations of the provisions of this chapter may be abated or enforced by proceedings seeking equitable relief against the violator.

SECTION 2. All other provisions of Chapter 13, "Licenses, Permits, and General Business Regulations", of the Code of Ordinances of Annville Township remain in full force and effect.

SECTION 3. SEVERABILITY. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Annville Township Board of Commissioners that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included therein.

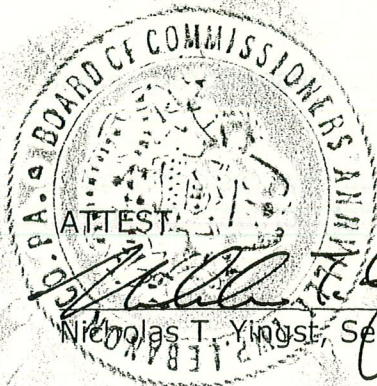
SECTION 4. REPEALER. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective  
July 3, 2017.

ORDAINED AND ENACTED this 3<sup>rd</sup> day of July, 2017.

BY ANNVILLE TOWNSHIP  
BOARD OF COMMISSIONERS

By: [Signature]  
Rex A. Moore, President



## **ORDINANCE NO. 656**

AN ORDINANCE OF THE TOWNSHIP OF ANNVILLE, LEBANON COUNTY, PENNSYLVANIA, ADOPTING RULES AND REGULATIONS FOR THE TOWNSHIP OF ANNVILLE FOR PUBLIC ASSEMBLIES AND APPLICATIONS FOR PUBLIC ASSEMBLIES.

WHEREAS, the Board of Commissioners of the Township of Annville desires to adopt rules and regulations regarding Public Assemblies, including the application for such Public Assemblies, for the welfare and safety of both the citizens of Annville Township and those who participate in such Public Assemblies.

BE IT ORDAINED AND ENACTED and it is hereby Ordained and Enacted by the Board of Commissioners of the Township of Annville, Lebanon County, Pennsylvania, as follows:

### **SECTION 1. TITLE**

This Ordinance shall be known as the "Public Assemblies Ordinance" and the same may be cited in that manner.

### **SECTION 2. PURPOSE**

Whereas, the Board of Commissioners of the Township of Annville has determined for the welfare and safety of its citizens and visitors an Ordinance shall be enacted permitting Public Assemblies, including public facility use and temporary closure or redirection of pedestrian or vehicular traffic on Township streets and alleys in a safe manner to allow for such activities.

### **SECTION 3. DEFINITIONS**

The following words, terms and phrases, when used in this Ordinance, unless the context clearly indicates otherwise, shall have the following meanings ascribed to them:

**APPLICANT** – The person and/or group responsible for sponsoring/organizing an event and applying for the permit.

**BLOCK PARTY** – An outdoor public event organized by residents of a neighborhood and held upon a Township street and/or right-of-way for social purposes.

COMMUNITY EVENT – A community or neighborhood event organized for the purpose of celebrating any of the following: recreation, community arts, culture, or to commemorate a holiday, seasonal, or special day to the community.

FIRST AMENDMENT ACTIVITY – This activity includes all expressive and associative activity protected by the United States and Pennsylvania Constitutions, including but not limited to assembly, press, speech, free exercise of religion, and/or the right to petition. For the purposes of this Ordinance, commercial advertising that is regulated by the Zoning Ordinance or elsewhere in the Township Code is excluded from this definition.

TOWNSHIP – The Township of Annville, Lebanon County, Pennsylvania.

PUBLIC ASSEMBLY – A First Amendment Activity consisting or anticipated to consist of more than three (3) individuals, which is to be held wholly or partially on the property owned or maintained by the Township which is designated by the Township for First Amendment activity or is in a traditional public forum; on a sidewalk/street/alley (including a State Highway) within the Township that the Annville Township Police Department believes may result in the obstruction of said sidewalk/street/alley or will likely compromise the ability of the Township to respond to a public safety emergency; or on any other property, but requires for its successful execution the coordination of Township services to a degree over and above that which the Township routinely provides. A Public Assembly is not intended to include:

- A. An activity held solely upon private property.
- B. A Block Party or Community Event.

STATE HIGHWAY – A highway or bridge on the system of highways and bridges over which the Pennsylvania Department of Transportation has assumed or has been legislatively given.

#### SECTION 4. PERMIT REQUIREMENT FOR A PUBLIC ASSEMBLY

No person or entity shall conduct or hold a Public Assembly without first obtaining a permit from the Annville Township Police Department or its designee.

#### SECTION 5. APPLICATION FOR PERMIT

1. Written applications for a Public Assembly shall be submitted to the Annville Township Police Department no less than five (5) business days prior to the proposed date and time of the Public Assembly. However, at its discretion and on a case-by-case basis, the Annville Township Police Department may consider an application received less than five (5) business days prior to the proposed date and time of a Public Assembly if it is a spontaneously-planned Public Assembly in response to a recent occurrence (e.g., one that is timed to coincide with a recent or future political or other announcement, decision, determination, or declaration by a local, state, or federal official or national organization). An application that proposes to

close a Township street shall be submitted no later than thirty (30) business days prior to the scheduled Public Assembly.

2. No Applicant shall be less than eighteen (18) years of age. If an Applicant is not an individual, it shall be a legally constituted and created entity.

3. Applications shall be submitted to the Annville Township Police Department, or its designee, and shall include the following, when applicable:

- A. Full legal names, ages, addresses, telephone numbers, and email addresses of all sponsors and, if an organization is the Applicant, proof of its legal existence.
- B. Full legal names, ages, addresses, telephone numbers, and email addresses of all persons in charge.
- C. The location and address of the property to be utilized for the event.
- D. The program for the event or, if no program is prepared, a narrative statement as to the purpose for which the event is to be conducted.
- E. A drawing or plan of the proposed site for the event showing locations and dimensions of the area where the proposed Public Assembly is to be conducted; the proposed route if the proposed Public Assembly will involve the movement of participants from one location to another; and information on any of the following if deemed to be necessary by the Annville Township Police Department: areas for spectators or persons attending the event, all structures existing and to be constructed, proposed parking area, electricity source, portable water facilities, sanitary and waste facilities, janitorial services and post-gathering trash and recycling removal and site restoration and providers thereof, sewage disposal facilities, medical service facilities, facilities for and distribution of security personnel, facilities for food and beverage storage/preparation/service, camping facilities, and if necessary projected plans for enclosure of the proposed site.
- F. Proof that all permits, licenses, and authorizations as required by state and local statutes, ordinances and regulations enacted thereunder, have been obtained or will be obtained.
- G. The number of persons expected to attend said event and the duration of the event.
- H. The first day upon which public announcement, promotion, or advertising is to be made, or has been made.
- I. Examples of proposed advertising of the event, if any.

- J. The Applicant's statement that he/she/it shall be responsible for removal of all litter, debris, and other material from the areas or portions thereof used for the event.
  - K. If required by the Township after review of the application, proof of certificates of insurance issued by an insurance company licensed to do business in Pennsylvania, evidencing comprehensive general liability, or special event public liability, in an amount of at least \$1,000,000 for each occurrence and \$2,000,000 aggregate for property damage, which policies shall name the Township as an additional insured specifically for purposes of the event.
  - L. The Applicant's statement that he/she/it shall abide by the terms and provisions of this Ordinance and all laws, rules and regulations of the United States, Commonwealth of Pennsylvania, County of Lebanon, and Township of Annville.
4. No application will be approved for a demonstration prohibited by law or for an Applicant who has not fully reimbursed the Township for costs incurred as part of a previous Public Assembly or who has had a previous permit revoked.
5. The Annville Township Police Department, or its designee, shall either grant or deny the application for a permit. Failure to satisfy any of the above conditions no later than five (5) business days prior to the Public Assembly shall constitute grounds for denial of a permit or the immediate revocation of a permit by the Township and cancellation of the Public Assembly. In the case of denial or revocation, the Applicant has the right to appeal to the Board of Commissioners. Appeals must be filed, in writing, with the Annville Township Police Department, within ten (10) business days of the date of denial for consideration. No Public Assembly for which a permit has been denied or revoked and which is being appealed may occur until a permit is issued.

## SECTION 6. CONDUCT OF PUBLIC ASSEMBLY

1. The Applicant or person in charge for the Public Assembly must maintain the sanitary and sewage facilities, parking facilities, security and traffic control personnel, and medical service facilities, and other facilities and utilities provided, in accordance with the plans submitted and approved by the Township.
2. No Applicant or person in charge of the Public Assembly shall condone any illegal conduct on the premises, including but not limited to disorderly conduct or illegal possession, sale or use of intoxicating beverages or illegal narcotics. Open alcoholic containers are not permitted on public property pursuant to the Township Code.
3. Any violations of the laws of the Commonwealth of Pennsylvania, or its rules and regulations, or of the terms and conditions of this Ordinance, or other

Township ordinances, or the conditions of the permit granted hereunder may be cause for immediate revocation of the permit, upon notification to the person in charge that a violation exists and the failure of the person in charge to take immediate action to correct the violation. Upon revocation of any permit, the Applicant or person in charge of the Public Assembly shall immediately terminate the assembly and provide for the orderly disbursal of those in attendance.

4. The Township, its authorized agents, representatives, and the Annville Township Police Department shall be granted access to the Public Assembly at all times for the purposes of inspection and enforcement of the terms and conditions imposed in this Ordinance.

5. No use of sound-amplification equipment shall be provided or permitted between the hours set forth in the provision of the Annville Township Code of Ordinances.

6. At the conclusion of the event, the Applicant or person in charge shall terminate the Public Assembly and shall supervise the orderly dispersal of those in attendance. No one shall be permitted to remain overnight at the Public Assembly site, with the exception of permanent residents, unless overnight camping or other facilities were approved by the Township pursuant to the application process of this Ordinance.

#### SECTION 7. COST RECOVERY

1. The Board of Commissioners may adopt a Resolution requiring the payment of a fee to recover the cost for providing public works and public safety services directly related to the Public Assembly where expenses exceed the ordinary costs for such services. All Applicants shall work in good faith with the Township to achieve the least expensive alternative available consistent with the purpose of the proposed Public Assembly.

2. In the event an Applicant for a Public Assembly can provide evidence of insolvency, no application fee or cost recovery charges shall be assessed.

3. All Applicants for Public Assemblies and the Township shall work in good faith to obtain an estimate of the total cost recovery amount at least ten (10) business days following the Public Assembly. Payment in full of this estimated cost recovery amount shall be made to the Township at least fourteen (14) days after the Public Assembly has concluded.

#### SECTION 8. THE CONFORMANCE WITH OTHER REQUIREMENTS

This Ordinance shall in no way be a substitute for, nor eliminate the necessity of, complying with any and all federal and state laws, rules and regulations, and county and Township ordinances, which are now, or may be in the future, in effect which pertain to the conduct of Public Assemblies or individuals within the Township.

SECTION 9. VIOLATIONS AND PENALTIES.

Any person who initiates, organizes, promotes, conducts, or causes to be advertised a Public Assembly without obtaining the permit provided in this Ordinance, or who knowingly conducts, permits or allows a Public Assembly with a permit but in violations of the terms and provisions of this Ordinance and of the permit granted, or who shall counsel, aid or abet such violation or failure to comply, shall be subject to a fine of Three Hundred Dollars (\$300.00) and all Township-related expenses to support the Public Assembly.

SECTION 10. MUNICIPALITY LIABILITY.

The Annville Township Board of Commissioners and its agents, officials, and representatives shall not, under any circumstances, be liable or responsible for damages caused to any person or property by reason of the issuance of any permit under the provisions of this Ordinance, or by reason of the conduct of any individual who is an Applicant or an attendee at a Public Assembly. The person, persons, sponsor or sponsors responsible for any such Public Assembly and the permit holder shall bear sole liability for any damages caused as a result thereof.

SECTION 11. SEVERABILITY.

Should any article, section, paragraph, sentence, clause or phrase of the Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby. It is hereby declared as the intent of the Annville Township Board of Commissioners that this Ordinance would have been adopted had such unconstitutional or invalid article, section, paragraph, sentence, clause, or phrase not been included herein.

SECTION 12. REPEALER.


All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 13. EFFECTIVE DATE.

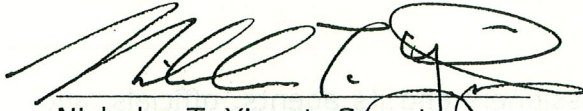
This Ordinance shall be effective on the 3<sup>RD</sup> day of July, 2017 and shall remain in force until modified, amended, or rescinded by the Annville Township Board of Commissioners.

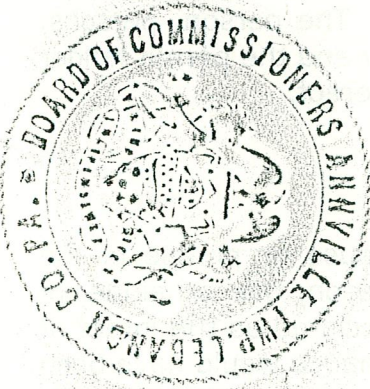
ORDAINED AND ENACTED this 3<sup>RD</sup> day of July,  
2017, by the Board of Commissioners of the Township of Annville, Lebanon County,  
Pennsylvania, in lawful session duly assembled.

ANNVILLE TOWNSHIP  
BOARD OF COMMISSIONERS

By:   
Rex A. Moore, President

ATTEST:

  
Nicholas T. Yingst, Secretary  
[TOWNSHIP SEAL]



positive step towards addressing what was essentially a regional matter in a regional manner. With no further discussion noted, **MOTION** by Mr. Embich, second by Mr. Lively to (1) ratify authorization for advertising the abovementioned ordinance, (2) adopt Ordinance No. 657, authorizing execution of an intermunicipal agreement for the implementation of the Lebanon Area Regional PRP, as presented, and (3) authorize the execution of this agreement 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. Miller left at approximately this point of the meeting.

**Banners Honoring Veterans:** Mr. Yingst reported the company most local entities have used for this banner program require a minimum of 15 banners to be printed. To that end, he indicated his office would be creating a poster to gauge if there was an adequate amount of interest that would be posted at Town Hall, on the website, and shared with various groups in the community.

**Sheriff's Sale Payments on Municipal Lien:** Due to the uncertainty as to whether the Sheriff's Office will recognize the priority of the Township's lien against the property at 1296 East Main Street for unpaid sewer and trash fees, **MOTION** by Mr. Embich, second by Mr. Lively to authorize the Township Solicitor to file a challenge with the Lebanon County Court of Common Pleas pertaining to the Sheriff's Sale distribution schedule pertaining to the recent sale of the property at 1296 East Main Street, if deemed necessary. Motion carried unanimously.

#### **NEW BUSINESS:**

**Budget Adoption Schedule:** Mr. Yingst presented the 2018 budget adoption schedule for review and comment. **MOTION** by Ms. Zimmerman, second by Mr. Lively to approve the 2018 budget adoption schedule as presented, noting that the budget meetings for October 11, 2017 and November 8, 2017 would begin at 6 PM. Motion carried unanimously and a copy of this schedule is attached hereto and made a part of these minutes.

**Investments:** Mr. Yingst shared the following investment-related items with the Board:

**Investments of Sewer Capital Fund Monies with Edward Jones:** At the recommendation of the Township Authority, **MOTION** by Ms. Zimmerman, second by Mr. Embich to (1) ratify rolling over Sewer Capital Fund investments with Edward Jones and (2) authorize the Township Administrator to do so going forward in his role as official list holder for these accounts. Motion carried unanimously.

**Investment Options with Pennsylvania Local Government Investment Trust (PLGIT):** Mr. Yingst informed the Board he met with a PLGIT representative earlier in the month to evaluate if certain Township monies that were not immediately necessary for paying invoices could be invested in a PLGIT-PRIME account at a higher rate of return (roughly 1%) than with a bank while maintaining the liquidity of the funds. He noted that Mr. Lamoureux had reviewed the securities in which PLGIT would be investing and was comfortable this was within the stipulations of the First Class Township Code. It was also noted that at its meeting the prior week the Township Authority recommended this type of investment for a portion of the Sewer Fund and Sewer Capital Fund

**ANNVILLE TOWNSHIP  
LEBANON COUNTY, PENNSYLVANIA  
ORDINANCE NUMBER 657**

AN ORDINANCE AUTHORIZING EXECUTION OF AN INTERMUNICIPAL AGREEMENT BY AND BETWEEN ANNVILLE TOWNSHIP, CITY OF LEBANON, NORTH CORNWALL TOWNSHIP, NORTH LEBANON TOWNSHIP, SOUTH LEBANON TOWNSHIP (MUNICIPALITIES), AND CLEONA BOROUGH AUTHORITY, (AUTHORITY) WITHIN LEBANON COUNTY, PENNSYLVANIA WHICH AGREEMENT WILL PROVIDE FOR AN INTERGOVERNMENTAL COOPERATION AGREEMENT FOR THE IMPLEMENTATION OF LEBANON AREA REGIONAL POLLUTANT REDUCTION PLAN.

**WHEREAS**, the Intergovernmental Cooperation Act, 53 Pa.C.S. §2301 et. seq. permits municipalities to enter into agreements to cooperate in the performance of their respective functions, powers or responsibilities; and

**WHEREAS**, the municipalities/authority desire to enter into an Intergovernmental Agreement of Cooperation (the "Agreement"), relating to Intergovernmental Cooperation Agreement for the implementation of the Lebanon Area Regional Pollutant Reduction Plan; and

**WHEREAS**, the Intergovernmental Cooperation Act provides that any joint cooperation agreement shall be deemed enforced as to any municipality/authority when the same has been adopted by Ordinance/Resolution by all cooperating municipalities; and

**WHEREAS**, the municipalities/authority desire to enact such an Ordinance approving the Intermunicipal Agreement.

**BE IT ORDAINED AND ENACTED**, by Annville Township, Lebanon County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

**SECTION ONE:** The caption of and recitals to this Ordinance as set forth above are incorporated herein by reference as if fully set forth.

**SECTION TWO: ADOPTION OF INTERMUNICIPAL AGREEMENT.**  
The Intermunicipal Agreement between the various municipalities/authority

is attached hereto, and made a part hereof and marked Exhibit "A" is hereby adopted.

SECTION THREE: AUTHORIZATION TO EXECUTE.

A. The appropriate Annville Township officials and representatives of this Municipality are hereby authorized to execute the Intermunicipal Agreement in the form attached hereto as Exhibit "A" or with such non-substantive changes as may be approved by the Solicitor. Any actions already taken by this Municipality in accordance with the terms of the Intermunicipal Agreement and this Ordinance are hereby ratified.

B. The appropriate officers and representatives of this Municipality are hereby authorized to take such other action as may be necessary to carry out the purposes of this Ordinance in connection with the implementation of the Intermunicipal Agreement.

SECTION FOUR: FINDINGS REQUIRED BY  
INTERGOVERNMENTAL COOPERATION ACT. As required by the Intergovernmental Cooperation Act requirements, the following determinations have been made:

a) The conditions of the Agreement shall be substantially as those set forth within the herein referenced Intermunicipal Agreement;

b) The Intermunicipal Agreement shall be effective upon execution by all of the entities identified with a commencement date as set forth in the Agreement and shall be perpetual;

c) The purposes and objectives of the Municipal Agreement are to provide for the implementation of the Lebanon Area Regional Pollutant Reduction Plan between the municipalities/authority identified herein;

d) No new entity is proposed to be formed;

e) No real property is proposed to be acquired in the Intermunicipal Agreement;

f) The Intermunicipal Agreement does not anticipate the hiring of employees or the need for employee insurance or other employee benefits.

SECTION FIVE: RATIFICATION. All other Intergovernmental Agreements between this municipality and the other parties presently

existing are hereby ratified and confirmed to the extent such Agreements are not inconsistent with the Agreement authorized herein;

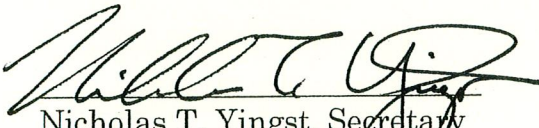
SECTION SIX. SEVERABILITY. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of this Municipality that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof had not been included therein.


SECTION SEVEN: EFFECTIVE DATE. This Ordinance shall be effective upon adoption.

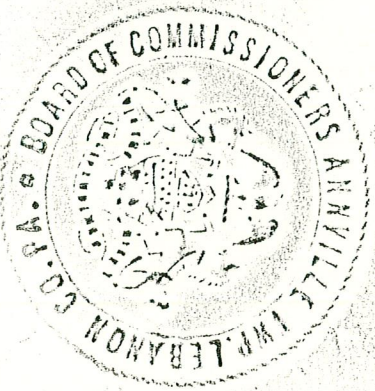
ORDAINED AND ENACTED this 3rd day of July, 2017.

ATTEST:

ANNVILLE TOWNSHIP BOARD  
OF COMMISSIONERS

  
Nicholas T. Yingst, Secretary

BY:   
Rex Moore, President



## BUDGET ADOPTION SCHEDULE – 2018

07/03/2017	Approve Budget Schedule
07/05/2017- 09/30/2017	Request Information from Department Heads and prepare Draft Budgets
09/26/2017	Review Tentative Sewer and Sewer Capital Budgets - Township Authority
To be determined	Review Tentative Economic Development Authority Budget – AEDA
09/27/2017	Publish Budget Meeting Notice
10/11/2017	<b>Budget Meeting – Board of Commissioners</b>
10/24/2017	Review Tentative Sewer and Sewer Capital Budgets - Township Authority
10/25/2017	Publish Budget Meeting Notice
11/08/2017	<b>Budget Meeting/Tentative Budget Adoption – Board of Commissioners</b>
11/13/2017	Publish Budget Inspection Notice, Budget Hearing Notice, and Act 511 Tax Notice
11/20/2017	Publish Act 511 Tax Notice and (if necessary) Tax and Appropriations Ordinance and/or Sewer Rate Ordinance
11/27/2017	Publish Act 511 Tax Notice
12/04/2017	<b>Budget Hearing – Board of Commissioners</b>
12/26/2017	<b>Adopt Final Budget, and (if necessary) Tax and Appropriations Ordinance and/or Sewer Rate Ordinance - Board of Commissioners</b>
12/29/2017	Publish Budget Adoption Notice

monies. **MOTION** by Mr. Embich, second by Ms. Zimmerman to authorize (1) establishing PLGIT-PRIME options for the existing General Fund, Liquid Fuels Fund, Sewer Fund, and Sewer Capital Fund PLGIT accounts and (2) moving \$500,000 in General Fund monies, \$140,000 in Liquid Fuels Fund monies, and \$400,000 in Sewer Fund monies to PLGIT-PRIME accounts and the balance of Sewer Capital Fund monies not invested with Edward Jones to a PLGIT-PRIME account. Motion carried unanimously.

**Representatives to the Lebanon County Stormwater Consortium:** It was noted the Intermunicipal Agreement for the Implementation of the Lebanon Area Regional PRP required each municipal participant to appoint a Primary Representative and an Alternate Representative to the Governing Body of the Lebanon County Stormwater Consortium. Noting Mr. Embich's science and water quality background and his oversight of the Township's stormwater program and Mr. Yingst's finance background and his role in the creation of the Intermunicipal Agreement establishing the Consortium, **MOTION** by Mr. Lively, second by Ms. Zimmerman to appoint Thomas R. Embich as Primary Representative and Nicholas T. Yingst as Alternate Representative to the Lebanon County Stormwater Consortium. Motion carried unanimously.

**Sustainable Pennsylvania:** Vice President Scott reported on a conference conducted by Sustainable Pennsylvania he recently attended. Among the information he shared was the financial difficulties faced by urban municipalities in relation to their adjacent suburban or rural neighbors, as well as specific information about where Annville Township rates concerning the financial status of its residents. Vice President Scott also noted he had completed a sustainability report card on the Township that was offered by this organization and at the concurrence of the other Commissioners he agreed he would submit same to Sustainable Pennsylvania.

**Proposed Ordinance on Street Befouling:** Ms. Zimmerman reported there was heavy sand along North Railroad Street emanating from Boger Concrete Company vehicles. Noting other municipalities prohibit the befouling of streets by vehicles, she referred to a model ordinance provided to the Commissioners earlier in the day by Mr. Yingst and suggested the Township adopt something similar to regulate this ongoing problem. While further noting that citations under such an ordinance could only be issued to specific vehicles that are caught violating its regulations and not for the mere presence of debris on streets, she expressed her confidence this was enforceable. There was then discussion regarding which streets north of East Sheridan Avenue were Township streets or privately owned, as well as the location of storm sewer inlets. With no further discussion noted, **MOTION** by Ms. Zimmerman, second by Mr. Embich to authorize the preparation of an ordinance prohibiting street befouling for review by the Board at a future meeting. Motion carried unanimously.

**Weed and Tree Concerns:** Ms. Zimmerman reported on high weeds in the rain garden to the rear of the property at 217/219 Maple Street and low-hanging branches from the property at the southwest corner of Maple and Railroad Streets she believed to be in violation of Township requirements.

**CORRESPONDENCE:** The Board was informed of the following items of correspondence received since its June Regular Meeting:

**Donation to the Annville Free Library (AFL):** Mr. Yingst reported that a letter had been received from the AFL thanking the Board of Commissioners for its annual donation of \$12,500.

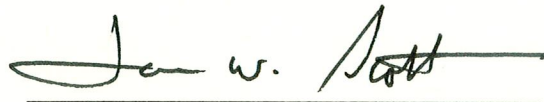
**Lebanon Valley Chamber of Commerce:** Mr. Yingst reported that correspondence was received from the Lebanon Valley Chamber of Commerce (LVCC) informing the Township of upcoming LVCC events. He also noted an invoice for the Township's annual membership in the Chamber was included with the correspondence. **MOTION** by Mr. Embich, second by Ms. Zimmerman to authorize payment in the amount of \$190 to the LVCC for the Township's 2017-2018 annual membership in this organization. Motion carried unanimously.

**PAY BILLS:** **MOTION** by Mr. Embich, second by Mr. Lively 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.

**ADJOURNMENT:** There being no further business to come before the Board, **MOTION** by Mr. Lively, second by Ms. Zimmerman to adjourn the Regular Meeting. Motion carried unanimously and the meeting was adjourned at 9:03 PM.



Nicholas T. Yingst, Secretary



James W. Scott, Vice President