

**DRAFT MINUTES OF THE ANNVILLE TOWNSHIP
BOARD OF COMMISSIONERS
May 1, 2017**

The May Regular Monthly Meeting of the Annville Township Board of Commissioners was held starting at 7:30 PM on May 1, 2017 in the Commissioners' Room of Annville Town Hall, 36 North Lancaster Street, Annville, PA with the following members present: Rex A. Moore, President; James W. Scott, Vice President; Thomas R. Embich, Treasurer; and Joann F. Zimmerman. Also in attendance were Nicholas T. Yingst, Township Administrator and Secretary to the Board of Commissioners; Karen Gerhart, Assistant Secretary to the Board of Commissioners; Bernard Dugan, Chief of Police; Timothy D. Sheffey, Esq. and Corey Lamoureux, Esq., office of the Township Solicitor; Anthony Deaven, Church Street; Michael Schroeder, East High Street; Conrad "Mike" Liles, North Railroad Street; Samuel Kolins, South Lancaster Street; Dean Wolfe, West Main Street; Ron Dowey, West Queen Street; Jerome and Jordan Hoffsmith, North Londonderry Township; and Pat Krebs, Lebanon Valley Bicycle Coalition.

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

RECOGNITION OF VISITORS AND OPPORTUNITY FOR PUBLIC COMMENT:

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

Future of the Property at 25-33 and 35 Rear East Main Street: Jerome Hoffsmith, the winning bidder at the April 12, 2017 auction for the property at 25-33 and 35 Rear East Main Street, shared his interest in hearing ideas from the community about their thoughts on the future of that site. To that end, he encouraged the Commissioners to share their thoughts with him and he noted he would be meeting the following week with the Historic Architectural Review Board (HARB) to have a similar conversation about the aesthetics of the property as well as trying to solicit ideas by having a booth at Historic Old Annville Day. When Mr. Hoffsmith asked the Commissioners what they would like to see from the building, Mr. Scott indicated he wished any development to be aesthetically pleasing and historically appropriate, as well as any uses of the building to be a good fit for the community. He asked if Mr. Hoffsmith had any specific ideas in mind, to which the latter indicated he did, but he was very interested in hearing the ideas of others, as well, to help increase the likelihood of the property's future success. Mr. Scott shared his belief that preserving the historicity of the façade facing Main Street was paramount and noted that the removal of siding on the western portion of the property would be a good first step to bringing this about. Mr. Hoffsmith noted there was brick beneath the siding and his desire to work with that as finances and circumstances allowed, while also noting his hope to preserve the exposed bricks along the west side of the building. He also shared his belief that the east side of the former factory portion of the building, which does not front on Main Street, would need to come down and that would likely be his first priority, along with addressing the façade facing Main Street. Mr. Hoffsmith then discussed some future ideas and possibilities for the property with the Commissioners, as well as the involvement of the Board, HARB, and the Lebanon County Planning Department throughout the various processes. Mr. Hoffsmith noted his long-time involvement in Annville as owner of Colonial Craft Kitchens and how this profession provided some practical design experience that would be useful for this project. He also shared his commitment to maintaining his properties well and his desire to do the same with his new property. At the suggestion of Mr. Scott, Mr. Hoffsmith and Michael Schroeder of Friends of Old Annville (FOOA) shared contact information and the latter indicated FOOA's willingness to help develop a questionnaire to be

distributed at Historic Old Annville Day to solicit input from the community. Mr. Yingst also agreed to pass along Mr. Hoffsmith's contact information to the Commissioners so they could reach out to him with any comments or ideas they had.

Jerome and Jordan Hoffsmith left the Regular Meeting at 7:40 PM.

Quittapahilla Creek Garbage Museum (QCGM): Mr. Schroeder provided a brief history of the QCGM and noted the museum has been awarded the 2017 Governor's Award for Environmental Excellence. He distributed a brochure on the QCGM to the Commissioners and he invited all Township officials to help celebrate the museum's sixth annual grand opening on June 10, 2017.

Michael Schroeder left the Regular Meeting at 7:45 PM.

APPROVAL OF MINUTES: MOTION by Mr. Scott, second by Ms. Zimmerman to approve the minutes of the Regular Meeting held April 3, 2017 as presented. Motion carried unanimously.

REPORTS OF STANDING COMMITTEES:

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

Authorization for Rolling Curb on North Ulrich Street: The Commissioners discussed the proposal of Boger Concrete Co. to install a rolling curb/speed bump across North Ulrich Street just to the north of the intersection with East Sheridan Avenue intended to address stormwater runoff concerns and slow down truck traffic. Ms. Zimmerman indicated she did not believe a speed bump should be necessary to control traffic and shared her concerns about its efficacy. Mr. Yingst noted the primary purpose of the curb was to control stormwater runoff and any traffic control benefits were secondary. Ms. Zimmerman asked why Boger did not install the rolling curb around the perimeter of the property as they previously were instructed to do. Mr. Yingst recalled that this curbing was not mandated but rather suggested by Boger and after the Township had granted approval for installation of the curbing Boger did not pursue this further due to the cost. Noting the intent of the current proposal was basically to serve as a sedimentation dam, Mr. Scott shared that he had visited the site and he believed the crown in the street would mitigate any damming benefits. He also offered a suggestion to a Boger employee while he was onsite that infiltration pits to the side of the street may be more effective at collecting runoff and providing for easy cleanup. Ms. Zimmerman expressed her concern that Boger would not take any such cleanup seriously. Returning to the proposed rolling curb in the street, Mr. Embich noted his concern that such a curb might increase frequently icy conditions for traffic at that location and the liability issues that may arise. It was noted that any type of rolling curb in the street would likely require an agreement with Boger regarding liability and maintenance issues, in addition to assurance it would not violate any laws that might prohibit speed bumps on public roadways and concurrence of its installation by Francis T. Hackett, Jr., who accesses his property north of where the curb would be placed. Following discussion on this there was general consensus among the Commissioners that Boger should be contacted with a suggestion of installing infiltration pits to address the runoff concern.

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

Medication Disposal Box: Chief Dugan reported that the medication disposal box was placed into service the prior week and is available to the public during regular work hours and by appointment after hours. He shared that ten people disposed of approximately 60 bottles of medication the prior Saturday for National Medication Drop-Off Day. Dean Wolfe asked if labels needed to be removed from bottles and Chief Dugan noted that was acceptable but not required.

Property: The following items were addressed:

Award of Contract of Sale for the Property at 25-33 and 35 Rear East Main Street: Noting the sale of the property at 25-33 and 35 Rear East Main Street at the public auction held on April 12, 2017, **MOTION** by Ms. Zimmerman, second by Mr. Scott to ratify the award of contract of sale to Jerome Hoffsmith for the property at 25-33 and 35 Rear East Main Street for \$145,000 and the execution of the contract by the appropriate Township officials. Motion carried unanimously.

Authorization to Enter for Pennsylvania Department of Transportation (PennDOT): **MOTION** by Ms. Zimmerman, second by Mr. Embich to ratify (1) authorization for PennDOT, its agents, employees, and contractors to enter Township property at 25 East Main Street as part of its construction of a handicapped-accessible curb ramp and adjacent sidewalk and (2) the execution of this authorization to enter by the appropriate Township officials. Motion carried unanimously.

Town Hall Roof Replacement: Ms. Zimmerman reported Gannett Fleming would be taking samples from the Town Hall roof on May 2, 2017 for testing purposes.

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

Annville Church of the Brethren (ACB) Field: At the request of the ACB and noting its intent to turn the field behind its property that is currently being farmed into a soccer field to benefit the Youth Soccer Club, **MOTION** by Mr. Scott, second by Mr. Embich to authorize a dumpster to be placed at the field to allow for the removal of stones and rocks prior to seeding and removed and disposed of by the Public Works Department when full. Motion carried unanimously.

Quittie Creek Nature Park Signage: Ms. Zimmerman asked if the Quittie Park Committee (QPC) had ever considered placing signage on Main Street providing direction to the entrance of the park. Mr. Scott said he did not think so but he liked the idea and at Ms. Zimmerman's suggestion he indicated he would share it with the QPC. Mr. Scott also suggested the signs for leash laws and fishing restrictions at the park be lowered to improve their visibility and, if necessary, the faded leash law signs be replaced and relocated to the park entrances. Mr. Scott noted the ongoing issue of fish poaching at the park and Ms. Zimmerman suggested the Pennsylvania Fish and Boat Commission be contacted to perform spot checks to address this.

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

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

Annville Activities: Mr. Scott reviewed the Annville Activities Report for April 2017, a copy of which is attached hereto and made a part of these minutes. At the request of Mr. Scott, Ms. Zimmerman indicated her willingness to participate in the upcoming Memorial Day Parade representing the Board of Commissioners. She also asked Mr. Scott to pass along to the Annville Activities Committee her request for the vehicle in which she would prefer to ride. Mr. Embich also noted he would be participating in the parade on foot.

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

REPORTS OF SPECIAL COMMITTEES:

Executive Sessions: Mr. Yingst reported that an Executive Session was held on April 26, 2017 solely for the purpose of collecting information and educating agency members. He also noted that three Township Commissioners were present at the public auction of the property at 25-33 and 35 East Main Street on April 12, 2017 and while no official business was acted upon or discussed during the public auction, the three Commissioners did briefly meet in Executive Session during the auction to discuss real estate matters. An Executive Session was requested to be held prior to the adjournment of the May Regular Meeting to discuss potential litigation as well as personnel and real estate matters.

Planning Commission: Mr. Yingst reported the Planning Commission did not meet in April and was not expected to meet in May. The following item was then addressed:

Reduction of Letter of Credit for the Lebanon Valley College (LVC) Shankroff Tennis Center: At the recommendation of the Township Engineer, **MOTION** by Mr. Embich, second by Ms. Zimmerman to authorize the reduction of the letter of credit for the LVC Shankroff Tennis Center from \$1,000 to \$0. Motion carried unanimously.

Economic Development: Nothing to report this month.

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

Replacement of Siding and Windows at 229 West Main Street: At the recommendation of HARB, **MOTION** by Mr. Embich, second by Mr. Scott to issue a Certificate of Appropriateness for the replacement of siding and windows at 229 West Main Street. Motion carried unanimously.

Wage & Salary: Nothing to report this month.

Information Technology: Nothing to report this month.

Spruce Street Bridge: Mr. Embich reviewed the Spruce Street Bridge Report for April 2017, a copy of which is attached hereto and made a part of these minutes. The following item was then addressed:

Notice to Proceed: Noting that the preliminary engineering phase of the bridge project had been completed and the final design phase of the project could now begin, **MOTION** by Mr. Embich, second by Ms. Zimmerman to ratify (1) approval of the Notice to Proceed to Wilson Consulting Group, PC for final design of the South Spruce Street Bridge, per Article A.3 of the Engineering Agreement for this project and (2) its execution by the appropriate Township officials. Motion carried unanimously.

Stormwater Management: Mr. Embich reviewed the Stormwater Management Report for April 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 April 2017, a copy of which is attached hereto and made a part of these minutes.

Fire Department: Ms. Zimmerman noted the previous meeting of the Union Hose Fire Company had been cancelled due to lack of a quorum. It was also noted that the April 2017 Monthly Statistical Report for the Union Hose Fire Company had not been submitted.

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

OLD BUSINESS:

Proposed Ordinance on Public Assemblies: Mr. Yingst noted that a draft ordinance on public assemblies had been provided to the Commissioners the previous month and he asked if they had any questions or comments about it for him, Chief Dugan, or the Township Solicitor. Mr. Scott indicated he had a few questions remaining regarding some language in the draft. **MOTION** by Mr. Scott, second by Mr. Embich to table the ordinance until the language in question is revised. Motion carried unanimously.

Proposed Ordinance on Pawn Shops and Secondhand Shops: Mr. Yingst noted that a draft ordinance on pawn shops and secondhand shops had been provided to the Commissioners and some minor revisions had been made to it based upon their comments. He asked if they had any additional questions or comments about it for him, Chief Dugan, or the Township Solicitor. Mr. Scott asked what businesses in the Township would be affected and Chief Dugan indicated Game Traders Club and the Collector's Exchange. Mr. Scott asked if the 1st Floor Attic would also be affected and Chief Dugan indicated he was not sure and would have to learn more about how that business operates. Mr. Scott asked if the records the ordinance would require were already maintained by these types of business and Chief Dugan indicated they were. With no further

discussion noted, **MOTION** by Mr. Scott, second by Ms. Zimmerman to authorize the advertisement of the proposed ordinance on pawn shops and secondhand shops as presented for possible adoption at a future Regular Meeting and, if possible, in conjunction with the advertising for a proposed ordinance on public assemblies when that ordinance is authorized for advertisement. Motion carried unanimously.

Sharrows: The Commissioners revisited a conversation from the previous month's Regular Meeting concerning a recommendation by the Lebanon Valley Bicycle Coalition (LVBC) that sharrows be placed along U.S. Route 422 in the downtown area and for which letters of support had been received from the Lebanon Valley Conservancy and several Township residents associated with the LVBC. Mr. Scott spoke in favor of sharrows and shared his reasoning for this, in particular noting he had become convinced that they improve safety for bicyclists. Noting concerns from others that additional pavement markings could clutter the roadway, he shared his belief that sharrows serve as persistent reminders for all vehicles to share the road. Ms. Zimmerman and Mr. Scott then discussed how sharrows are different than bicycle lanes, with the latter noting that PennDOT would install these markings as part of its 2017 milling and overlay project and the Township would be responsible for maintaining them going forward. President Moore asked how many sharrows were being recommended and Mr. Scott indicated there were 18 total, with nine in each direction, and noted that Cleona would also have sharrows installed as part of this project. There was then discussion about how the width of the roadway in Cleona might make sharrows more sensible in that municipality than in Annville. President Moore expressed concerns about the costs associated with replacing thermoplastic sharrows, to which Pat Krebs shared some information on the replacement costs and discounts provided to municipalities by one provider in particular. The Commissioners then discussed the likely wear-and-tear to thermoplastic and whether the estimated ten-year lifespan for the materials was reasonable based upon traffic in downtown Annville. There was also discussion as to whether the sharrows could be removed at a later date if the Township so chose. Mr. Yingst noted the sharrows must be maintained in perpetuity. Ms. Krebs expressed her belief that PennDOT could be asked to allow for the removal of the sharrows if the Township did not believe they were effective; Mr. Yingst expressed his doubts about this. Dean Wolfe surmised that if PennDOT would not approve a left-turn arrow at the intersection of Routes 422 and 934 it was unlikely they would be responsive to a request by the municipality to remove the sharrows. Mr. Scott indicated his belief this was ultimately a public safety issue and advocated for installation of the sharrows. Samuel Kolins noted the existence of sharrows in upstate New York where he attended college and his belief they served an educational purpose for both motorists and bicyclists. Ms. Zimmerman indicated she was unaware of sharrows before the LVBC recommendation and inquired how long they had been in use and what education there was for the community at large for understanding them. Mr. Embich also asked if there was still bicycle education in schools, and Ms. Krebs discussed this with the Board. Mr. Wolfe wondered if the digital billboards in North Londonderry Township could serve the purpose of educating motorists and bicyclists. With no further discussion noted, **MOTION** by Ms. Zimmerman, second by Mr. Scott to authorize PennDOT to place sharrows along U.S. Route 422 as part of the 2017 milling and overlay project in accordance with the McCormick Taylor study commissioned by the LVBC, contingent upon receiving assurance from PennDOT that the Township may remove the sharrows in the future if the Township does not believe they are effective. Motion carried unanimously.

Overstreet Banners: Mr. Scott shared some thoughts on how proposed overstreet banners would function and the likely materials to be used for the banners. He reported that Tents and Events is willing to have its property be used for the placement of one of the necessary poles and there are ongoing, positive discussions underway with Tom Risser about potentially using his property on the other side of U.S. Route 422 for the second pole. In response to a question from Mr. Embich, Mr. Scott indicated there were no good locations for placing these poles on the west end of town. Mr. Scott also noted that while he had some previous thoughts about placing the poles in the vicinity of Hoss's Steak and Sea House, Mr. Yingtst recommended against this due to the possibility of a traffic signal being located nearby at the entrance to the Lebanon Valley Advanced Care Center. Mr. Scott also shared that the Public Works Director was trying to get a price quote from Karl French for installing the poles.

Banners Honoring Veterans: Mr. Scott reported he spoke to individuals from Ebenezer about honorary banners mounted from utility poles in their town. He shared that their cost for banners and necessary mounting hardware was about \$200 per banner. **MOTION** by President Moore, second by Ms. Zimmerman to authorize the Township Office to develop a request form for individuals who would like to sponsor an individual to be placed on a banner and to publicize it appropriately. Motion carried unanimously. It was noted that a decision would need to be reached on who may be placed on banners (active duty military, veterans, police officers, etc.) and what, if anything, should be their required connection to the Township.

Speeding on North Railroad Street: Referring to an earlier point in the Regular Meeting when the truck traffic from Boger Concrete Co. was discussed, Ms. Zimmerman asked the Chief of Police if anything could be done to better prevent trucks from speeding along North Railroad Street. Mr. Scott suggested lobbying for radar legislation. Chief Dugan indicated radar would be helpful in this situation and he described the difficulties and limitations of trying to enforce the speed limit along that particular street. He also noted the Police Department has attempted to address this by focusing on stop sign enforcement at the intersection of North Railroad Street and East Sheridan Avenue.

NEW BUSINESS:

Appointment of Alternate to the Zoning Hearing Board: At the recommendation of the Zoning Hearing Board, **MOTION** by Mr. Scott, second by Ms. Zimmerman to appoint Anthony Deaven as an Alternate to the Zoning Hearing Board for a term expiring on December 31, 2017. Motion carried unanimously.

Municibid Registration: Noting there is no cost to join, the required 8% commission is over and above the winning bid price, and this may be a good opportunity for selling the 1985 Elgin street sweeper, **MOTION** by Mr. Embich, second by Mr. Scott to authorize registration with Municibid and the execution of the necessary documents by the appropriate Township officials. Motion carried unanimously.

Arbor Day Declaration: Mr. Scott reported on a community tree care class held at Town Hall on April 29, 2017 led by Erik Josephson of Josephson Nature Care. Noting that the following was necessary if the Township wished to pursue Tree City USA designation, **MOTION** by Mr. Scott,

second by Ms. Zimmerman to declare Wednesday, May 24, 2017 Annville's official Arbor Day for 2017, to be celebrated this year by a public tree planting on the grounds of Annville Town Hall at 6:00 PM with all appropriate ceremony. The motion was then opened for discussion. Mr. Embich asked if this action would require the Township to pursue Tree City USA designation. Mr. Scott indicated it would not, but that it would keep open the possibility of doing so. Mr. Embich noted that Derry Township was recognized as a Tree City USA municipality while he served on its Board of Supervisors and it led to a number of issues in that community. To that end, he indicated he would like to have a lot more discussion on this if this designation was to be pursued further. With no further discussion the motion was voted upon and carried unanimously.

CORRESPONDENCE: Nothing to report.

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

RECESS FOR EXECUTIVE SESSION: President Moore called a recess for an Executive Session and the room was cleared of the public at 8:57 PM. The Regular Meeting was reconvened at 9:38 PM with the four Commissioners, Mr. Yingst, Ms. Gerhart, Police Chief Dugan, Mr. Sheffey, and Mr. Lamoureux present.

Demand Letter Regarding Deficiency of Sale for Property at 25-33 and 35 Rear East Main Street: **MOTION** by Mr. Embich, second by Ms. Zimmerman to authorize the Township Solicitor to issue a demand letter to the high bidders at the November 30, 2016 sale of the property at 25-33 and 35 Rear East Main Street for the deficiency between the high bid price at that sale and the high bid price at the April 12, 2017 sale according to the terms of the Conditions of Sale and Agreement. Motion carried unanimously.

Application for Extension of Premises by 18 East Main Street, Inc.: **MOTION** by Mr. Embich, second by Mr. Scott to (1) ratify the filing of the Petition to Intervene against the application for extension of premises by 18 East Main Street, Inc., which operates the Just Wing It restaurant, and (2) authorize the Township Solicitor and Township officials to appear and represent the Township at any Pennsylvania Liquor Control Board hearings pertaining to same, along with any necessary preparation in advance. Motion carried unanimously.

Agreements Pertaining to Expansion of Quittie Creek Nature Park: Pertaining to the proposed expansion of Quittie Creek Nature Park, **MOTION** by Mr. Scott, second by Ms. Zimmerman to authorize the Township Solicitor to prepare an agreement of sale with Paul Graham, an agreement for easement with Ian Mont, and a letter of agreement to Friends of Old Annville (FOOA) indicating the Township will purchase the future Graham subdivided lot that is intended to become part of the park and the future Mont easement granting access to that part of the park upon sufficient funds being raised by FOOA and reimbursed to the Township within a set amount of time for all costs incurred by the Township pertaining to the subdivision and purchase of the lot and easement as well as related legal and engineering costs. Motion carried unanimously.

ADJOURNMENT: There being no further business to come before the Board, **MOTION** by President Moore, second by Ms. Zimmerman to adjourn the Regular Meeting. Motion carried unanimously and the meeting was adjourned at 9:40 PM.

Rex A. Moore, President

Nicholas T. Yingst, Secretary