

**DRAFT 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 It was also noted the existing ordinance prohibiting overstreet banners would need to be rescinded by adoption of another ordinance and a resolution adopted and filed with the Pennsylvania Department of Transportation (PennDOT) with information on the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

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.

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 15th 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:

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:

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

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 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

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.

James W. Scott, Vice President

Nicholas T. Yingst, Secretary