

**DRAFT MINUTES OF THE ANNVILLE TOWNSHIP
BOARD OF COMMISSIONERS
April 3, 2018**

The April Regular Monthly Meeting of the Annville Township Board of Commissioners was held starting at 7:00 PM on April 3, 2018 in the Commissioners' Room of Annville Town Hall, 36 North Lancaster Street, Annville, PA with the following members present: Rex A. Moore, President; Henri B. Lively, Vice President; Thomas R. Embich, Treasurer; Joann F. Zimmerman; and Nevin R. Hoover. Also in attendance were Nicholas T. Yingst, Township Administrator and Secretary to the Board of Commissioners; Bernard Dugan, Chief of Police; Corey Lamoureux, Esq., Township Solicitor; Luke Leininger, Chief of the Union Hose Company; Conrad "Mike" Liles, North Railroad Street; Dean Wolfe, West Main Street; and Frank Hullihen, student at Lebanon Valley College (LVC).

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: After noting that no visitors were formally noted on the agenda, President Moore provided an opportunity for public comment and Mr. Wolfe inquired if there would be a packet issued to rate payers for the Municipal Separate Storm Sewer System (MS4) fee. Mr. Yingst indicated there would not be, in part due to the cost of doing so, and further indicated that was the purpose of the informational meeting on the MS4 program and fee that was held on March 20, 2018. Mr. Wolfe asked if it was fair to use the underlying zoning districts for assessing the fee and Mr. Yingst indicated the Township believed it was and provided for a more accurate assessment. Mr. Embich noted that general information on the MS4 program was readily available from a variety of sources and noted in particular that information on the Lebanon County Stormwater Consortium, of which the Township was a member, was available online at the website for the Redevelopment Authority of the County of Lebanon, including minutes of the Consortium meetings. Per a question from Mr. Wolfe, Mr. Yingst and Mr. Lamoureux explained why the Township used a different engineer than the other members of the Consortium, noting that proposals were sought by the Township Authority from various engineering firms for the purpose of calculating the Township's MS4 fee.

APPROVAL OF MINUTES:

March 6, 2018 Regular Meeting: MOTION by Mr. Lively, second by Mr. Hoover to approve the minutes of the Regular Meeting held March 6, 2018 as presented. Motion carried unanimously.

March 20, 2018 Public Meeting on the MS4 Program and Fee: MOTION by Mr. Hoover, second by Ms. Zimmerman to approve the minutes of the Public Meeting on the MS4 program and fee held March 20, 2018 as presented. Motion carried unanimously.

REPORTS OF STANDING COMMITTEES:

Public Works: The Public Works Report for March 2018 was reviewed, a copy of which is attached hereto and made a part of these minutes. The following items were then addressed:

Septage Hauler Cards: At the recommendation of the Township Authority, MOTION by Mr. Lively, second by Ms. Zimmerman to authorize charging \$10 to septage haulers for the issuance

of a replacement hauler card if a previously issued card is lost or damaged. Motion carried unanimously.

Filter Feed Pump Motors: At the recommendation of the Township Authority, **MOTION** by Ms. Zimmerman, second by Mr. Hoover to authorize the purchase of a reactor and rewinding the motors for the filter feed pumps at an estimated cost of \$5,000. The motion was then opened for discussion. Mr. Embich asked if there were warranty options to be considered and Mr. Yingst indicated there were not, further noting the Public Works Supervisor indicated he believed the motors were operating appropriately for their age. With no further discussion the motion was voted upon and carried unanimously.

Public Safety: The Police Statistical Report for March 2018 was reviewed, a copy of which is attached hereto and made a part of these minutes. The following items were then addressed:

Closure of East Sheridan Avenue and Special Waiver of the Noise Ordinance for Harrisburg Symphony Orchestra (HSO) Concert: Noting a request was received for same from LVC, **MOTION** by Ms. Zimmerman, second by Mr. Lively to (1) authorize the closure of East Sheridan Avenue from North White Oak Street Extension to North College Avenue from 5:00 PM to 11:00 PM on July 2, 2018 for the annual HSO Independence Day Concert on the LVC academic quad and (2) grant a special waiver to the Township Noise Ordinance specific to this event from 10:00 PM to 11:00 PM. Motion carried unanimously.

Authorization of Handicapped Parking Space on Maple Street: Noting a request was received for same, **MOTION** by President Moore, second by Mr. Lively to (1) authorize the painting of and installation of appropriate signage for a handicapped parking space at 333 Maple Street and (2) instruct the Township Administrator to memorialize this action in an upcoming omnibus ordinance. Motion carried unanimously.

No Parking for Booth Number Painting for Historic Old Annville Day (HOAD): It was reported a request was received from Friends of Old Annville (FOOA) for posting portions of West Main Street for “No Parking” that will be affected by the painting of booth numbers on curbs in preparation for HOAD. **MOTION** by Mr. Lively, second by Mr. Hoover to approve the posting of “No Parking” for the onstreet parking spaces on both sides of West Main Street from Cherry Street to White Oak Street on April 21, 2018 from 7 AM to 9 AM and to request that members of FOOA assist with the posting of these signs. Motion carried unanimously.

Snowman Rebuilding: Referencing a story from the prior week in *The Lebanon Daily News*, Mr. Lively expressed his appreciation for Officer Jason Cleck’s efforts to rebuild a young resident’s snowman that had been knocked over.

Property: Nothing to report this month.

Parks & Recreation and Hazard Mitigation Grant Program Project: Nothing to report this month.

Finance: Mr. Embich reviewed the Financial Report for March, highlighting the total income and expenses for the third month of 2018. A copy of the report is attached hereto and made a part of these minutes. In particular, there was discussion about the monthly electric bill for the wastewater treatment plant and the temporary impact to Sewer Fund revenues due to a routine 2017 year-end adjusting journal entry that would be roughly offset by another adjusting journal entry at the end of 2018.

Permits: The Permits Report for March 2018 was reviewed, a copy of which is attached hereto and made a part of these minutes.

Annville Activities: The following item was addressed:

Resolution No. 20180403-1 – Designating Intent to Erect a Banner Across U.S. Route 422 for 2018 Memorial Day Parade: Noting an application was received from the Annville Community Activities Committee to erect a banner across U.S. Route 422 from May 1 through May 27, 2018 advertising the Memorial Day Parade, Mr. Yingst presented a resolution for same that required approval by the Board as well as submission to and approval by the Pennsylvania Department of Transportation (PennDOT) before the banner could be erected. **MOTION** by Mr. Embich, second by Ms. Zimmerman to adopt Resolution No. 20180403-1 as presented and to authorize its submission to PennDOT. Motion carried unanimously and a copy of this resolution is attached hereto and made a part of these minutes.

MOTION by Mr. Lively, second by President Moore to approve the reports of the Standing Committees as presented. Motion carried unanimously.

REPORTS OF SPECIAL COMMITTEES:

Executive Sessions: Mr. Yingst reported that no Executive Sessions were held since the adjournment of the March Regular Meeting. An Executive Session was requested to be held prior to the adjournment of the evening's meeting to discuss potential litigation.

Planning Commission: Ms. Zimmerman reported the Planning Commission did not meet in March and was not expected to meet in April. She also reported the Graham land subdivision plan was recorded in March; settlement on the property was being scheduled and was anticipated before the end of the month.

Economic Development: Nothing to report this month.

Historic Architectural Review Board (HARB): Mr. Embich reviewed the HARB Report for March 2018, a copy of which is attached hereto and made a part of these minutes. The following item was then addressed:

Roof Replacement at 30 West Main Street and Demolition of Structure, Roof Replacement, and Removal of Attached Carport at 44 East Main Street: At the recommendation of HARB, **MOTION** by Mr. Embich, second by Ms. Zimmerman to issue Certificates of Appropriateness for (1) roof replacement for the property at 30 West Main Street and (2) demolition of the existing concrete

block structure, replacement of the existing one-story west roof, and removal of an attached carport for the property at 44 East Main Street. Motion carried unanimously.

Wage & Salary: Nothing to report this month.

Spruce Street Bridge: Mr. Embich reviewed the Spruce Street Bridge Report for March 2018, a copy of which is attached hereto and made a part of these minutes.

MS4: Mr. Embich reviewed the MS4 Report for March 2018, a copy of which is attached hereto and made a part of these minutes. The following items were then addressed:

MS4 Fee: Mr. Liles asked about the timing and the cost of the MS4 fee. It was noted the fee would be part of the quarterly sewer and trash bill and it was further noted it was expected to cost residents somewhere between \$10 and \$13 and properties with non-residential uses would be charged a number of Equivalent Residential Units (ERUs) based upon their actual amount of impervious surface. Mr. Embich reported the Township was targeting July for the billing cycle in which the MS4 fee would first appear on the sewer and trash bills.

MS4 Fee Ordinance: At the recommendation of the Township Authority, **MOTION** by Mr. Embich, second by Mr. Hoover to authorize the drafting of an ordinance establishing an MS4 fee. Motion carried unanimously.

Greater Lebanon Refuse Authority (GLRA): Mr. Embich reviewed the GLRA Report for March 2018, a copy of which is attached hereto and made a part of these minutes.

Fire Department: The Board noted the receipt of the March 2018 Monthly Statistical Report for the Union Hose Company. The following items were then addressed:

Joinder Committee: Mr. Lively reported the Fire Department Joinder Committee held its second meeting on March 14, 2018 and it was well attended by members of the Fire Departments and municipalities. He noted the consultant working on the joinder feasibility study was also present at that meeting to discuss this study, which is seen as a necessary step to determine if a formal joinder is in the best interest of the Fire Departments and what such a joinder might look like. Mr. Lively noted the dialogue among Joinder Committee members has been candid at these meetings and the process seems to have good momentum. He further reported that the feasibility study would be presented to the Fire Departments at the end of May. Chief Leininger spoke positively of the process thus far, noting the feasibility consultant's experience with other successful joinders. He also spoke of posting the minutes from these meetings for greater transparency.

Fire Incidents: Chief Leininger reported on two significant fire incidents the Fire Department responded to over the past month, and in particular expressed his appreciation to the Police Department for its assistance with traffic control pertaining to the house fire on East Main Street.

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

OLD BUSINESS:

Ordinance No. 662 – 2018 Omnibus: Mr. Yingst presented proposed Ordinance No. 662, amending Section 15-213(1) (Stop Intersections Established), Section 15-402 (Parking Prohibited at All Times in Certain Locations), Section 15-411 (Handicapped Parking), and Section 15-1103 (Locations Where Pedestrian Crossing in Unmarked Crosswalks Restricted) of the Township Code of Ordinances. It was noted the proposed ordinance was properly advertised and could be considered for adoption. **MOTION** by Mr. Lively, second by Mr. Embich to adopt Ordinance No. 662, the 2018 omnibus ordinance, as presented. Motion carried unanimously and a copy of this ordinance is attached hereto and made a part of these minutes.

Ordinance No. 663 – Authorizing Execution of an Amendment to the Intermunicipal Agreement for the Implementation of the Lebanon Area Regional Pollutant Reduction Plan (LARPRP): Mr. Yingst presented proposed Ordinance No. 663, authorizing execution of an amendment to the intermunicipal agreement for the implementation of the LARPRP. It was noted the proposed ordinance was properly advertised and could be considered for adoption. **MOTION** by Ms. Zimmerman, second by Mr. Embich to (1) adopt Ordinance No. 663 as presented and (2) approve the amendments to the intermunicipal agreement authorized by the ordinance. Motion carried unanimously and a copy of this ordinance is attached hereto and made a part of these minutes.

Condition of Sharrows and Turning Arrows: Mr. Yingst asked to discuss this matter in Executive Session.

Deteriorating Curb and Sidewalk at Christ Church: Mr. Yingst reported he spoke to Jerry Wolfe of Christ Church the prior month expressing the Commissioners' concerns about the deteriorating curb and sidewalk adjacent to that property. Mr. Wolfe asked if white fog lines could be painted to direct vehicles away from the bend in South White Oak Street where vehicles run over the curb and Mr. Yingst suggested he speak to PennDOT about this, noting the street was a State roadway and further noting a concern that narrowing the traffic lane could lead to accidents in the center of the roadway. Mr. Wolfe indicated he would inform the Township of PennDOT's response.

Burned Out Bus: Chief Dugan provided an update on the status of the burned out bus located toward the rear of a property on West Main Street. In particular, he reported the owners of the property on which the bus was located indicated the vehicle would be removed in approximately one week. He also described the salver process required by PennDOT to dispose of a vehicle without a title such as this one. Chief Dugan noted the Township Code of Ordinances allowed the Police Department to cite the property owner on which the abandoned vehicle was located on a daily basis in accordance with a sliding fine scale. He further noted the Code of Ordinances would have to be amended if the Township wished to have the ability to remove the vehicle on its own, while noting the inherent physical difficulties of removing this specific vehicle even if those amendments were currently in place. In response to these difficulties, as well as the challenges specific to this circumstance due to the vehicle's title apparently having been destroyed in the fire, it was noted the vehicle had not moved from this site since September 2017. Ms. Zimmerman described it as an attractive nuisance and expressed her concern it was an issue of public safety

and Chief Dugan concurred. Mr. Hoover asked if the property owner had been requested to remove the vehicle. Chief Dugan indicated the property owner was requested to do so and the only responses received have been through the owner's attorney. With this in mind, the Commissioners expressed their support for the Police Department citing the property owner if the vehicle was not removed within 15 days and instructed the Police Chief to do so. Chief Dugan also inquired if the Board would be interested in having him, Mr. Yingst, and Mr. Lamoureux research possible ordinance amendments to allow for the removal of such vehicles in the future and the Commissioners were supportive of this research.

Local Police Use of Radar: Ms. Zimmerman shared that a bill that would allow for the use of radar by local police would be before the State Transportation Committee the following day.

LVC Golf Carts: There was a brief review of the streets on which LVC may operate golf carts and the requirements for same based upon recent changes in State law.

NEW BUSINESS:

Township Website: Mr. Yingst reported the conversion of the Township website from a Joomla! Content Management System (CMS) to a WordPress CMS was completed the prior month.

Update to Refuse Regulations: Mr. Yingst reported that, during his preliminary review of the Act 101 Section 902 Recycling Grant application submitted by the Township for a compact loader and backhoe and four roll-off containers, a representative of the Pennsylvania Department of Environmental Protection recommended several edits to the Township's refuse regulations so they were consistent with the recycling regulations adopted at a later date. In particular, it was noted that items that must be recycled per the recycling regulations were listed as rubbish per the refuse regulations. Mr. Yingst then presented a draft ordinance amending the refuse regulations to eliminate these inconsistencies to the Commissioners for their review and there was discussion regarding exceptions for composting. **MOTION** by Mr. Embich, second by Mr. Lively to authorize the advertising of an ordinance for possible adoption at a future meeting updating the refuse regulations to remove inconsistencies with the recycling regulations. Motion carried unanimously.

Residential Refuse and Recycling Collection Contract: Mr. Yingst noted the current residential refuse and recycling collection contract expires on August 31, 2018. To that end, he noted he would be preparing the contract specifications for the Commissioners' consideration and approval at its May 1, 2018 meeting. **MOTION** by Mr. Embich, second by Ms. Zimmerman to instruct Mr. Yingst to prepare the contract specifications to be for a two-year term with third-year and fourth-year options and that the amount of the bid bond be increased to \$3,000. Motion carried unanimously.

Flood Risk Review Meeting: Mr. Yingst reported that the prior month he and Township Emergency Management Coordinator Gerald McAteer attend a flood risk review meeting held by the Federal Emergency Management Agency (FEMA) regarding the preliminary revised flood maps FEMA will be issuing during the summer. He and Mr. McAteer were able to review the in-process maps at this meeting and asked FEMA representatives to ensure they properly accounted

for the Hazel Dyke upstream from the Township, as well as to determine if the flooding from Tropical Storm Lee was a 1% annual chance of flood (100-year flood) event. Mr. McAteer is suggesting that upon FEMA's issuing of the preliminary maps later this year, any property owners who are affected by changes (either by the expansion of the flood plain or the retraction of the flood plain) be contacted for a meeting sharing this information with them, the appeals process property owners may make to FEMA, and insurance options available to them. There also are plans to add an Emergency Preparedness section to the website that will have information on same.

Occupancy Regulations: Mr. Hoover asked if there were regulations in place pertaining to residential habitability standards and Mr. Yingst noted that occupancy certificates were issued through the Lebanon County Planning Department for certain types of construction.

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

Police Collective Bargaining Agreement (CBA) Negotiations: Mr. Yingst reported a letter was received from the Annville Township Police Officers Association (ATPOA) requesting to begin negotiations for a new CBA to take effect in 2019. He further reported that President Moore responded by letter to the ATPOA on March 14, 2018 appointing himself and Mr. Lively as the primary representatives of the Board of Commissioners for these negotiations, as well as requesting a listing of items pertaining to the CBA the ATPOA wished to discuss.

Location of Cellular Towers on Municipal Property: Mr. Yingst reported a letter was received from P3 Towers inquiring if the Township would be interested in a meeting to explore the possibility of locating cellular towers on municipal property. He noted that such under such an arrangement P3 Towers would bear the cost for the development and operation of a tower and would then share fees from carriers that would locate on the tower, and that a monthly payment to the Township for leasing the space was also a possibility. The Commissioners were supportive of Mr. Yingst engaging in such a meeting. It was suggested that P3 Towers be asked if there were any restrictions on who may locate on their towers and Mr. Yingst agreed to do so.

PAY BILLS: MOTION by Mr. Hoover, 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.

RECESS FOR EXECUTIVE SESSION: President Moore called a recess for an Executive Session and the room was cleared of the public at 8:20 PM. The Regular Meeting was reconvened at 8:53 PM with the five Commissioners, Mr. Yingst, and Mr. Lamoureux present.

Correspondence Pertaining to Insufficient Installation of Pavement Markings by PennDOT: **MOTION** by Mr. Lively, second by Ms. Zimmerman to authorize issuing correspondence, in conjunction with other municipalities if feasible, to the local members of the State Legislature expressing displeasure with the insufficient installation of pavement markings by PennDOT as part of the latter's milling and paving project of U.S. Route 422 in 2017 and to request the legislators' assistance in receiving a satisfactory resolution to same. Motion carried unanimously.

ADJOURNMENT: There being no further business to come before the Board, **MOTION** by Mr. Embich, second by Mr. Lively to adjourn the Regular Meeting. Motion carried unanimously and the meeting was adjourned at 8:54 PM.

Rex A. Moore, President

Nicholas T. Yingst, Secretary