

**DRAFT MINUTES OF THE ANNVILLE TOWNSHIP  
BOARD OF COMMISSIONERS  
May 1, 2018**

The May Regular Monthly Meeting of the Annville Township Board of Commissioners was held starting at 7:00 PM on May 1, 2018 in the Commissioners' Room of Annville Town Hall, 36 North Lancaster Street, Annville, PA with the following members present: Rex A. Moore, 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; Karen Gerhart, Assistant Secretary to the Board of Commissioners; Corey Lamoureux, Esq., Township Solicitor; Luke Leininger, Chief of the Union Hose Company; Ross Nye, Union Hose Company; Richard Schaeffer, East Walnut Street; Michael and Terri Battle, Lincoln Drive; Conrad "Mike" Liles, North Railroad Street; Dean Wolfe, West Main Street; Erik Josephson, Josephson Nature Care; and Derrec Robinson, Alec Soltys, and Charles Steinhilber, students at Lebanon Valley College.

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 recognized the visitors in attendance and provided an opportunity for public comment:

Donation of Tree: Mr. Josephson asked to address the Board and shared that he would like to donate a tree to the Township and assist with the planting of same. He noted he assisted with the planting of a tree in front of Town Hall the previous year and the Commissioners suggested that may be a good general location to consider for planting another tree. Mr. Hoover asked if there was a specific type of tree in mind and Mr. Josephson indicated a variety of species might be appropriate. Mr. Josephson also noted a white oak tree might be a good fit if the Township was interested in planting a tree on its property along South White Oak Street. He indicated he would be happy to plant a tree annually, and this might be a good location if there was a desire to establish a row of trees over time. President Moore suggested that former Township Commissioner James Scott be included in this conversation and both Mr. Josephson and Mr. Yingst concurred. The Commissioners expressed their appreciation for Mr. Josephson's donation and he indicated he would coordinate further with the Township Office and Mr. Scott and that he anticipated an autumn planting.

Mr. Josephson left the meeting at 7:02 PM.

Resolution No. 20180501-1 – Extending Recognition and Appreciation to the First Responders who Assisted with the Well Rescue on April 7, 2018: Noting that Mr. Nye was in attendance and played a significant role in the April 7, 2018 well rescue within the Township, Mr. Yingst read aloud Resolution No. 20180501-1, extending recognition and appreciation to the first responders who assisted with that rescue. **MOTION** by President Moore, second by Mr. Embich to adopt Resolution No. 20180501-1 as presented. Motion carried unanimously and a copy of this resolution is attached hereto and made a part of these minutes and a framed copy of the resolution was then presented to Mr. Nye.

Mr. and Ms. Battle, Mr. Nye, and Mr. Schaeffer left the meeting at 7:05 PM.

**APPROVAL OF MINUTES: MOTION** by Mr. Hoover, second by Ms. Zimmerman to approve the minutes of the Regular Meeting held April 3, 2018 as presented. Motion carried unanimously.

**REPORTS OF STANDING COMMITTEES:**

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

**Bids for Milling, Overlay and Related Work on Township Streets:** At the recommendation of the Public Works Superintendent, **MOTION** by Ms. Zimmerman, second by Mr. Hoover to authorize the preparation of and advertisement for bids for milling, overlay, and related work on the following Township streets: (1) West Queen Street from South Mill Street to South Concord Street, (2) North Mill Street from West Main Street to West Lebanon Street, (3) portions of Sherman Street from East Liberty Street to East Lebanon Street, (4) portions of South Poplar Street from East Main Street to South White Oak Street, and (5) Stuart Street from East Main Street to East Cumberland Street. Motion carried unanimously.

**Cleaning of Reed Beds:** At the recommendation of the Township Authority, **MOTION** by Ms. Zimmerman, second by Mr. Hoover to authorize the cleaning of three reed beds at the wastewater treatment plant (WWTP) a cost not to exceed \$60,000, contingent upon the satisfactory review of any standard terms and conditions and any other information pertaining to such a proposal by the Township Solicitor as he deems necessary. Motion carried unanimously.

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

**Resignation of Brandon Fancovic:** Mr. Yingst reported that Brandon Fancovic, part-time police officer, resigned from employment with Annville Township, effective April 7, 2018. **MOTION** by Mr. Embich, second by Mr. Hoover to accept the resignation of Brandon Fancovic from employment with Annville Township, effective April 7, 2018. Motion carried unanimously.

**Removal of Handicapped Parking Space:** Mr. Yingst reported a request was received for the removal of a handicapped parking space due to the individual it benefited having moved away from that location. **MOTION** by Ms. Zimmerman, second by Mr. Embich to (1) authorize the removal of the designation and signage for the handicapped parking space on North Manheim Street south of East Lebanon Street and (2) instruct the Township Administrator to memorialize this action in the next omnibus ordinance. Motion carried unanimously.

**Property:** Ms. Zimmerman reported settlement occurred for the subdivided portion of the Paul Graham property and was now owned by the Township and was part of Quittie Creek Nature Park. She also reported a check in the amount of \$1,200 would be issued shortly to Ian Mont for the easement across his property for accessing this trail extension.

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

**Finance:** Mr. Embich reviewed the Financial Report for April, highlighting the total income and expenses for the fourth month of 2018. A copy of the report is attached hereto and made a part of these minutes.

**Permits:** The Permits Report for April 2018 was reviewed, a copy of which is attached hereto and made a part of these minutes. Ms. Zimmerman inquired if the building permit for the Annville Church of the Brethren pertained to the structure on the field behind the church building. Mr. Yingst indicated it did and Mr. Hoover noted the structure would be used as a storage facility for the youth soccer association that was using the field for soccer games. Ms. Zimmerman commented favorably on the appearance of the structure.

**Annville Activities:** The following item was addressed:

Resolution No. 20180501-2 – Designating Intent to Erect a Banner Across U.S. Route 422 for St. Paul’s Summer Bazaar: Noting an application was received from St. Paul the Apostle Catholic Church to erect a banner across U.S. Route 422 from June 2 through June 17 advertising St. Paul’s Summer Bazaar, 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 President Moore, second by Ms. Zimmerman to adopt Resolution No. 20180501-2 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 President Moore, 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 no Executive Sessions were held since the adjournment of the April 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 April but might be meeting in May if a sketch plan was received timely for a proposed new phase of Stone Hill Village.

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

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

Installation of Signage at 344 East Main Street: At the recommendation of HARB, **MOTION** by Mr. Embich, second by Mr. Hoover to issue a Certificate of Appropriateness for installation of signage for the property at 344 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 April 2018, a copy of which is attached hereto and made a part of these minutes. The following item was then addressed:

**Proposals for Construction Inspection Services for Bridge Project:** Mr. Embich reported the Township needed to advertise for construction inspection services for the bridge construction project because it was not informed by PennDOT it needed to include this in the advertisement for engineering services when it originally ran in 2013. **MOTION** by Mr. Embich, second by Ms. Zimmerman to authorize the preparation and advertising of a Statement of Interest accepting proposals to retain an engineering firm to provide construction inspection and documentation services for the South Spruce Street Bridge project. Motion carried unanimously.

**Municipal Separate Storm Sewer System (MS4):** Mr. Embich reviewed the MS4 Report for April 2018, a copy of which is attached hereto and made a part of these minutes. The following item was then addressed:

**MS4 Fee Ordinance:** At the recommendation of the Township Authority, **MOTION** by Mr. Embich, second by Ms. Zimmerman to authorize the advertising of an ordinance establishing an MS4 fee for possible adoption at a future meeting. Motion carried unanimously.

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

**Fire Department:** The Board noted the receipt of the April 2018 Monthly Statistical Report for the Union Hose Company. Chief Leininger provided a brief report on various calls the Fire Department responded to over the past month and the following item was then addressed:

**Donation to Fire Department:** Noting that the Union Hose Company had provided its 2017 Federal Form 990 to the Township the prior month, **MOTION** by Mr. Hoover, second by Ms. Zimmerman to release \$32,000, which is half of the Township's 2018 donation, to the Fire Department. Motion carried unanimously.

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

**OLD BUSINESS:**

**Ordinance No. 664 – Amendments to Refuse Regulations:** Mr. Yingst presented proposed Ordinance No. 664, amending Section 20-102 (Definitions), Section 20-103 (Preparation of Refuse and Storage), and Section 20-107 (Disposal of Refuse) of the Township Code of Ordinances. It was noted the proposed ordinance was properly advertised and could be considered for adoption. **MOTION** by Mr. Embich, second by Mr. Hoover to adopt Ordinance No. 664 as presented. Motion carried unanimously and a copy of this ordinance is attached hereto and made a part of these minutes. Mr. Embich asked if these changed regulations would affect the refuse

and recycling collection contract specifications submitted to the Commissioners for review and Mr. Yingst indicated they would not.

**Refuse and Recycling Collection Contract Bids:** Mr. Yingst noted the current refuse and recycling collection contract expires on August 31, 2018 and provided the Commissioners with a draft of the contract specifications for their consideration. **MOTION** by Mr. Embich, second by President Moore to authorize the preparation of and advertisement for bids for a new refuse and recycling collection contract for a two-year term with two additional one-year extension options and to approve the contract specifications for same. Motion carried unanimously.

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

**Deteriorating Curb and Sidewalk by Christ Church:** Mr. Yingst reported that over the past three weeks he had two conversations with Jerry Wolfe of Christ Church regarding the deteriorating curb and sidewalk adjacent to that property. Mr. Wolfe indicated a representative of the church was continuing to seek clarification from PennDOT to determine if white fog lines could be painted on that roadway to direct vehicles away from the bend in South White Oak Street where vehicles run over the curb. Mr. Wolfe further indicated he had left a message for a local contractor regarding the curb and sidewalk work and noted it was the church's desire to have the issue corrected by the end of the summer, and that he would keep the Township updated on this process. Mr. Hoover asked the extent of the curb and sidewalk to be replaced. Mr. Yingst indicated he believed it would include the section adjacent to the duplex to the north of Christ Church, which was also owned by it, but that would be clarified when a permit application was submitted. Ms. Zimmerman also noted that materials from a curb cut replacement that was part of PennDOT's U.S. Route 422 milling and overlay project of the prior year remained in front of the Lebanon Valley Home and Mr. Yingst indicated he would contact PennDOT about removing these.

**Burned Out Bus:** Mr. Yingst reported the burned out bus that was located toward the rear of a property on West Main Street was removed the prior month.

**Location of Cellular Tower on Municipal Property:** Mr. Yingst reported that the previous week he and the Public Works Superintendent met with representatives from P3 Towers to explore the possibility of locating a cellular tower on municipal property. He noted that at this meeting it was determined the WWTP grounds were the most appropriate municipal property for such a tower, even though it was located outside of the Township proper, and P3 Towers was expected to submit a proposal to the Township shortly.

**NEW BUSINESS:**

**Application for County Liquid Fuels Funds:** Mr. Yingst presented an application requesting \$4,767 in Lebanon County Liquid Fuels funds. **MOTION** by Ms. Zimmerman, second by Mr. Embich to authorize the signing of an application for Lebanon County Liquid Fuels funds in the amount of \$4,767 for minor equipment for road maintenance (asphalt tools such as shovels and rakes); repair parts for road maintenance vehicles (plow parts and tire chains); repair parts for the

street sweeper (brooms and lights); and street name signs and traffic directing signs. Motion carried unanimously.

**Electricity Supplier Contract for 2019-2023:** Mr. Yingst reported that Patriot Energy Group, serving as the energy broker for the Township, received quotes from several electricity suppliers for when the Township's current electricity supplier contract ends in mid-2019. Patriot Energy recommended the Township contract with one of these suppliers at a fixed rate of \$0.05760 for a forty-eight month period beginning in mid-2019, which includes the gross receipts tax in that rate. Mr. Yingst noted this rate is nearly \$0.01 less than the rate the Township is currently paying for electricity supply and he authorized that contract on April 17, 2018. **MOTION** by Mr. Embich, second by Mr. Hoover to ratify the action of the Township Administrator to execute a contract through Patriot Energy Group with an electricity supplier at a fixed rate of \$0.05760 including the gross receipts tax for a forty-eight month period beginning in 2019. Motion carried unanimously.

**Establishment of Fire Escrow Account:** Mr. Embich reported a fire loss insurance proceeds escrow check was received from Allstate Insurance Company pertaining to a recent garage fire at 317 West Main Street. It was further reported that, in accordance with the Annville Township Code of Ordinances and applicable state laws, the Township Treasurer would shortly be notifying the property owner the check was received and a bank account would be established at Fulton Bank for these escrow funds until the restoration work on the garage has been completed. **MOTION** by Mr. Embich, second by Mr. Hoover to authorize (1) the establishment of a fire escrow account pertaining to 317 West Main Street and (2) the Township Treasurer and either the Township Secretary or Assistant Township Secretary as signatories for that account. Motion carried unanimously.

**Condemned House:** The Commissioners discussed the status of the condemned house at 100 North Weaber Street damaged by a fire several months prior. Mr. Yingst reported he has not heard anything further from the owner regarding the future plans for the property, while noting the code enforcement officer was visiting the property monthly due to its outstanding violations of the International Property Maintenance Code (IPMC). In response to a question from Ms. Zimmerman, Chief Leininger indicated that while the property was unsightly, it did not pose a threat to public safety. Mr. Yingst noted that while the IPMC is a useful tool in addressing emergency situations through means such as condemnations, it was not helpful in addressing the financial conundrums of such situations and sometimes these properties remained in a state of condemnation for years until the right buyer came along, offering the property at 44 East Main Street as an example.

**CORRESPONDENCE:** Nothing to report this month.

**PAY BILLS:** **MOTION** by Ms. Zimmerman, second by Mr. Hoover 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 7:51 PM. Henri B. Lively, Vice President of the Board of Commissioners, joined the Executive Session after it began and Mr. Hoover left the

Executive Session before it ended. The Regular Meeting was reconvened at 8:38 PM with President Moore, Mr. Lively, Mr. Embich, Ms. Zimmerman, Mr. Yingst, Ms. Gerhart, and Mr. Lamoureux present.

**ADJOURNMENT:** There being no further business to come before the Board, **MOTION** by President Moore, second by Mr. Embich to adjourn the Regular Meeting. Motion carried unanimously and the meeting was adjourned at 8:39 PM.

---

Rex A. Moore, President

---

Nicholas T. Yingst, Secretary