

**DRAFT MINUTES OF THE ANNVILLE TOWNSHIP
BOARD OF COMMISSIONERS
October 2, 2018**

The October Regular Monthly Meeting of the Annville Township Board of Commissioners was held starting at 7:00 PM on October 2, 2018 in the Commissioners' Room of Annville Town Hall, 36 North Lancaster Street, Annville, PA with the following members present: 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; Rick Enigk and Armin Rudd, Maple Street; Conrad "Mike" Liles, North Railroad Street; Dean Wolfe, West Main Street; Martin Brandt, Carolyn Scott, and Mary Woolson, Annville Free Library; and Carl Graybill, Michele Sinadinos, and Jerry Wolfe, Christ Church.

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

Stormsewer System at Jones and Maple Streets: Mr. Rudd was recognized for comment and asked if there were any updates since the September Regular Meeting regarding a review of the stormsewer system at Jones and Maple Streets. He noted he communicated with Mr. Yingst prior to the meeting and learned that a proposal for such a review had been requested of the Township Engineer. Vice President Lively confirmed that, noting a proposal was anticipated from the Township Engineer shortly. Mr. Rudd asked what the timeframe was for the 2019 budget process and Vice President Lively noted a budget meeting was scheduled for October 16, 2018, and the 2019 budget would be developed by the Township over the next one to two months.

Mr. Rudd left the meeting at 7:02 PM. Joan Hains, Brownstone Realt Estate, joined the meeting at 7:02 PM and Teresa Merone, East Main Street, joined the meeting at 7:03 PM.

Thanks from the Annville Free Library (AFL): Mr. Brandt, Ms. Scott, and Ms. Woolson of the AFL board of directors were recognized for comment. Mr. Brandt began by sharing some recent changes to the library building and its grounds, as well as an expansion of the services it provides, noting the AFL is "more than just books". He also indicated the AFL has consistently heard from people that they wish to see the library remain downtown, maintain its ambience, and continue to provide activities that benefit the community. Following a review of usage statistics at the library, Ms. Scott noted that with the increased financial support from the Township over the past few years, the AFL has been more able to plan ahead, and in particular was able to reinstate the young adult librarian position. She noted the library serves a broad array of people, ranging from babies to senior citizens. Ms. Woolson then described the various types of technology that are available to library patrons for no charge. She welcomed the Commissioners to participate in the library's programs, and to feel free to share any ideas, before thanking them for their support. Vice President Lively thanked the AFL board members for their presentation, noting his appreciation for their energy and creativity, and remarked that the library is a gem of the Annville community.

Mr. Brandt, Ms. Scott, and Ms. Woolson left the meeting at 7:11 PM.

Petition to Vacate Unopened Alley: Vice President Lively noted that a petition to vacate an unopened alley between the properties at 1015 and 1051 East Main Street had been received and one of the petitioners, Ms. Merone, was in attendance. Ms. Merone shared a brief history of the unopened alley between her property to its east and the Napoli's Pizza property owned by her brother to its west, noting that her family had been maintaining the alley for years. Vice President Lively inquired of Mr. Lamoureux what the Township's course of action should be in light of this petition. Mr. Lamoureux indicated the unopened alley from East Main Street to East Lebanon Street could be vacated as the property owners on both sides had signed the petition, and such vacation would result in the alley being split down the middle and divided between the adjacent property owners. He noted this would require adoption of an ordinance. Ms. Zimmerman asked for clarification that the intent of the petition was not to open the alley for public use, and Ms. Merone confirmed this. Ms. Hains raised a question about the ownership of the East Lebanon Street to the north based upon Geographical Information System (GIS) mapping data and Mr. Yingst indicated that a deed search would be necessary to make such a determination, as the GIS data uses deed information but is not always accurate in determining where one property ends and another begins. Ms. Hains asked if East Lebanon Street could be vacated if it was determined to be a public roadway. Mr. Lamoureux noted even if that was proved, the adjacent property owners would have to petition the Township to have this considered. Dean Wolfe asked if the property had been surveyed and Mr. Lamoureux indicated it would have been at a prior point. With no further comments noted, Vice President Lively thanked Ms. Merone for submitting the petition and indicated the Board would consider acting upon it following the close of public comment.

Stormwater Review and East Sheridan Avenue Concerns: Vice President Lively recognized Mr. Enigk for comment and the latter expressed his concerns about the Township spending money for a review of the stormsewer system at Jones and Maple Streets. While indicating he did not wish to argue against Mr. Rudd's concerns, and he wished Mr. Rudd was still present because he felt it was awkward to bring this up after he had left the meeting, Mr. Enigk specified several areas in the Township he believed had stormwater issues that were more significant than those noted at Jones and Maple Streets. To that end, he suggested that if the Township chose to spend money on a stormwater review, there were areas more significantly impacted that should be considered instead. Mr. Enigk also referenced a rumor he had heard that Lebanon Valley College (LVC) wished to make East Sheridan Avenue a private roadway. Vice President Lively indicated he had no knowledge of that, and Ms. Zimmerman spoke strongly against that occurring, reflecting that this rumor arises every few years and the Township would be opposed to making that a private roadway because of the non-college traffic that currently utilizes it and the need, at times, for that street to serve as a detour route for Main Street.

Mr. Enigk left the meeting at 7:24 PM.

Deteriorating Curb and Sidewalk by Christ Church: Mr. Wolfe was recognized for comment and noted that he, along with Mr. Graybill and Ms. Sinadinos, represented Christ Church and he shared information on the church's efforts to address the deteriorating curb and sidewalk adjacent to its property. He indicated they have been diligently attempting to determine how to solve what they recognized was a real problem in light of the continued threat of ongoing damage to the curb and sidewalk from large trucks jumping the curb at the place where South White Oak Street curves. Noting that this situation was to be reviewed as part of a Road Safety Audit (RSA) requested by

the Township, he asked if the church could delay making the repairs until the RSA was completed. Ms. Zimmerman asked if the church's insurance company had seen the sidewalk and found it to be acceptable. Mr. Wolfe indicated it had, and was pleased the church was trying to address this problem. Ms. Zimmerman noted the curb and sidewalk were ultimately the responsibility of the church and Mr. Wolfe acknowledged this, while indicating the damage resulted from trucks trying to navigate the curve in the roadway. Mr. Hoover asked if the sidewalks could be moved in further from the lanes of traffic and Mr. Wolfe indicated he had not been able to get any direction from the Pennsylvania Department of Transportation (PennDOT) about this. Mr. Wolfe then expressed his frustration that while PennDOT indicated a review of the roadway could only be initiated at the request of the municipality, the Township did not take the initiative to inform him of this. Mr. Yingst indicated that while he did not know if it was accurate that only a municipality could make such a request, he did ask that the safety concerns at the curve in South White Oak Street be included as part of the upcoming RSA when Mr. Wolfe communicated this to him. At the request of Vice President Lively, Mr. Yingst then shared the anticipated timeframe for the RSA, the latter noting the RSA would likely occur in Spring or Summer 2019 with the results from the audit coming several weeks later. Vice President Lively asked if the church had received any estimates for the repair work and Mr. Wolfe indicated there were three estimates ranging from \$9,000 to \$16,000. Mr. Hoover asked if flaggers were included in those estimates and Mr. Wolfe indicated they were. Vice President Lively reflected that he believed the estimates to be reasonable, but Mr. Wolfe indicated the church's consistory did not think it wise to spend this money if a repaired curb and sidewalk continued to be exposed to heavy trucks. Mr. Hoover asked for the length of the area to be repaired and Mr. Wolfe indicated it was 50 feet, beginning at the porch of the rental property owned by Christ Church and continuing to the south to the church's parking lot. Mr. Wolfe also noted PennDOT had granted the church a waiver for this work. Mr. Hoover asked when the sidewalk there was last poured and Mr. Wolfe indicated he was not sure, and there was discussion that it had possibly been more than 30 years. It was also noted the removal of a utility pole in the sidewalk several years ago at the location of the curve had removed an impediment to trucks, thus increasing the damage to that area. Vice President Lively noted the church had made a number of other important physical improvements to its property over the years, in particular referencing the installation of an elevator, and noted that repairing the sidewalk would be of benefit to the church's parishioners. He also noted such repairs would benefit those in the community who use that sidewalk, referencing the significant number of school students who traverse it on a daily basis. Mr. Wolfe asked if the Township could give the church an extension to the 45 day deadline set by the September 10, 2018 letter it received. Mr. Yingst indicated the Annville Township Code of Ordinances provided the Board of Commissioners the right to grant such an extension. Vice President Lively noted the Township had already been very patient throughout this process, further noting that communication, sometimes formal and sometimes informal, had been going on with the church about this issue for roughly two years. With this in mind, he asked Mr. Yingst to elaborate on the RSA process. Mr. Yingst noted that while he specifically asked for the curve in South White Oak Street to be evaluated as part of this audit, noting the evident safety concerns about truck traffic driving on a sidewalk frequented by pedestrians, he could not be certain the audit results would recommend a solution due to the limitations of the vicinity, and any such recommendation—which was not binding—would likely only be implemented years in the future as part of a possible county or state project. Returning to the extension request, Vice President Lively asked how long of an extension the church would need to complete the project. Mr. Wolfe indicated the church was willing to reach out to one of the contractors from which it received a

quote so it could begin the work. Vice President Lively expressed his support for this course of action and thanked the representatives of Christ Church for their willingness to work with the Township on this matter.

Mr. Graybill, Ms. Sinadinos, and Mr. Wolfe left the meeting at 7:43 PM.

APPROVAL OF MINUTES: MOTION by Mr. Embich, second by Ms. Zimmerman to approve the minutes of the Regular Meeting held September 4, 2018 as presented. Motion carried unanimously.

PETITION TO VACATE UNOPENED ALLEY: Vice President Lively deviated from the agenda to consider the petition to vacate the unopened alley between the properties at 1015 and 1051 East Main Street. **MOTION** by Vice President Lively, second by Mr. Hoover to (1) acknowledge receipt of the petition to vacate the unopened alley between the properties at 1015 and 1051 East Main Street and (2) authorize the preparation and advertisement of an ordinance to be considered for adoption vacating same. The motion was then opened for discussion. At the request of Mr. Embich, it was clarified the area to be vacated was south of East Lebanon Street. Per Mr. Embich's review of the documents submitted with the petition, Ms. Merone also indicated there was not currently access to East Lebanon Street from Maple Street via this unopened alley. With no further comments noted the motion was voted upon and carried unanimously.

Ms. Hains and Ms. Marone left the meeting at 7:51 PM.

REPORTS OF STANDING COMMITTEES:

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

Award of Sale of 1994 Chevrolet Pickup Truck with Snow Plow: Noting the high bidder on the Municibid online auction service for the purchase of the 1994 Chevrolet pickup truck with snow plow did not follow through on its purchase, **MOTION** by Ms. Zimmerman, second by Mr. Hoover to ratify the sale of the 1994 Chevrolet pickup truck with snow plow to Jerry Leydig, the second high bidder, for \$1,850. Motion carried unanimously.

Bond Counsel Proposal from Eckert Seamans: At the recommendation of the Township Authority, **MOTION** by Mr. Embich, second by Ms. Zimmerman to concur with the Township Authority's approval of the proposal from Eckert Seamans to serve as bond counsel for the dewatering equipment and building project financing for a flat fee of \$12,500 in addition to reimbursable costs not anticipated to exceed \$2,000. Motion carried unanimously.

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

Request for Fire Police Assistance Outside of Annville Township: At the request of Chief Dugan, **MOTION** by Mr. Hoover, second by Ms. Zimmerman to authorize the Fire Police to provide assistance for the 5K run at Londonderry Village on October 20, 2018. Motion carried

unanimously. Per a question from one of the Commissioners, Chief Dugan noted that the Fire Police from a number of other municipalities would also be assisting with this event.

Property: Nothing to report this month.

Parks & Recreation: The following item was addressed:

Grant Funding for Streambank Repairs: Mr. Yingst reported on a meeting he attended on September 21, 2018 at Quittie Creek Nature Park with the Public Works Superintendent and two representatives of the United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS). Following this meeting, the USDA-NRCS representative indicated that the repairs to the eroded northside of Quittapahilla Creek qualified for grant funding as it was within 50 feet of the sanitary sewer line. Mr. Yingst then discussed several documents with the Commissioners, noting that while the costs for the design and construction of the repairs were anticipated to be fully refundable through federal and state grant funds, the costs incurred for administering the grant funds would be incurred by the Township, which might involve additional professional service expenses. He also noted the Township would not be obligated to proceed with the grant until it had received an agreement to approve and execute, and such document would clarify any current questions pertaining to federal and state funding. **MOTION** by Mr. Embich, second by Mr. Hoover to authorize the Township to serve as the project sponsor for the repairs noted above and to approve and authorize the execution of any documents necessary and pertinent to the USDA-NRCS grant program for same upon satisfactory review by the Township Solicitor and Township Administrator. Motion carried unanimously.

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

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

Annville Activities: Vice President Lively noted the Pumpkin Walk was scheduled for October 26, 2018 at Quittie Creek Nature Park.

MOTION by Mr. Embich, second by Mr. Hoover 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 September Regular Meeting. An Executive Session was requested to be held prior to the adjournment of the evening's meeting to discuss real estate, potential litigation, and personnel matters.

Planning Commission: Ms. Zimmerman reported the Planning Commission did not meet in September and was not expected to meet in October. She also noted the Zoning Hearing Board

would be meeting at 7 PM on October 25, 2018 to hear a special exception request for the use of the property at 448 Water Street.

Economic Development: It was noted the draft minutes from the September 11, 2018 meeting of the Economic Development Authority (EDA) had been distributed to the Board of Commissioners.

Historic Architectural Review Board (HARB): Mr. Embich reviewed the HARB Report for September 2018, a copy of which is attached hereto and made a part of these minutes.

Wage & Salary: Nothing to report this month.

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

Municipal Separate Storm Sewer System (MS4): Mr. Embich reviewed the MS4 Report for September 2018, a copy of which is attached hereto and made a part of these minutes. Ms. Zimmerman noted high grass adjacent to the rain garden to the rear of the LVC property at 217 Maple Street and Mr. Yingst indicated his office would look into it. Mr. Liles also expressed concerns about the lip of a stormdrain being above the private driveway adjacent to Stanson Hall, although it was noted that stormdrain had been that way for more than five years.

Greater Lebanon Refuse Authority (GLRA): Mr. Embich reviewed the GLRA Report for September 2018, a copy of which is attached hereto and made a part of these minutes. In particular, he noted changes to what recyclable materials may be collected curbside and the efforts the Township is making in concert with the GLRA to communicate this to the public.

Fire Department: The Board noted the receipt of the September 2018 Fire Chief's Report and Monthly Statistical Report for the Union Hose Company. The following items were then addressed:

Joinder Steering Committee: Vice President Lively reported that the next meeting of the Joinder Steering Committee was scheduled for October 24, 2018. He also commented on the historic significance of the combined meeting of the Union Hose Company and the Cleona Fire Company scheduled for November 1, 2018.

Replacement of Rescue Vehicle: Mr. Lamoureux reported the Public Hearing for the presentation and discussion of the tax-exempt financing of a rescue vehicle for the Union Hose Company would take place at Town Hall on October 16, 2018 at 5:45 PM, and the resolution for this financing could then be authorized at the 6:00 PM Special Meeting of the Board of Commissioners on that same date. He also reported this had been advertised on September 21, 2018.

MOTION by Vice President Lively, second by Mr. Embich to approve the reports of the Special Committees as presented. Motion carried unanimously.

OLD BUSINESS:

Deteriorating Curb and Sidewalk by Christ Church: Revisiting the extension requested by Christ Church earlier in the meeting, **MOTION** by Mr. Hoover, second by Ms. Zimmerman to grant a 30 day extension to Christ Church for the repairs of the curb and sidewalk adjacent to its property contingent upon the church providing proof to the Township of a signed contract for the work no later than the previously communicated deadline of October 25, 2018. Motion carried unanimously.

Preliminary Flood Insurance Rate Map (FIRM): Mr. Yingst reported on a meeting he attended the prior month regarding changes to the FIRM. He noted he was coordinating with the Township's Emergency Management Coordinator to determine how best to communicate the necessary information to those property owners whose properties would be entering the flood plain as a result of the changes, as well as those whose properties would be removed from the flood plain by the changes.

NEW BUSINESS:

Website Migration and Hosting Proposal: Mr. Yingst noted the current provider of the hosting, support, updates, and security for the Township website is transitioning away from this service. He noted a proposal for this, as well as migrating the website to a new server, was provided by Creativ180, who came at the recommendation of the Township's former website support provider and its current information technology provider, and the cost would not exceed the Township's budget for website services for 2018. **MOTION** by Mr. Embich, second by Mr. Hoover to approve (1) the proposal for the website migration by Creativ180 at a cost of \$550 and (2) the proposal for ongoing hosting, support, updates, and security by Creativ 180 at a cost of \$75 per month. Motion carried unanimously.

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: Vice President Lively called a recess for an Executive Session and the room was cleared of the public at 8:41 PM. The Regular Meeting was reconvened at 9:41 PM with the four Commissioners, Mr. Yingst, and Mr. Lamoureux present.

ADJOURNMENT: There being no further business to come before the Board, **MOTION** by Mr. Embich, second by Mr. Hoover to adjourn the Regular Meeting. Motion carried unanimously and the meeting was adjourned at 9:41 PM.

Henri B. Lively, Vice President

Nicholas T. Yingst, Secretary