

**DRAFT MINUTES OF THE ANNVILLE TOWNSHIP  
BOARD OF COMMISSIONERS  
March 5, 2019**

The March Regular Monthly Meeting of the Annville Township Board of Commissioners was held starting at 7:00 PM on March 5, 2019 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; Corey Lamoureux, Esq., Township Solicitor; Conrad "Mike" Liles, North Railroad Street; Dean Wolfe, West Main Street; and one person who was not identified.

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:**

Noting that no visitors were identified on the agenda for the meeting, President Moore provided an opportunity for public comment. Mr. Liles expressed his appreciation to the Public Works Department for its excellent work clearing the snow from the streets following the recent snowstorm.

**APPROVAL OF MINUTES: MOTION** by Ms. Zimmerman, second by Mr. Lively to approve the minutes of the Regular Meeting held February 5, 2019 as presented. Motion carried unanimously.

**REPORTS OF STANDING COMMITTEES:**

**Public Works:** The Public Works Report for February 2019 was reviewed, a copy of which is attached hereto and made a part of these minutes. The following items were then addressed:

**Lebanon County Engineer Costs for Dewatering Project Stormwater Inspection Fee:** At the recommendation of the Township Authority, **MOTION** by Mr. Lively, second by Ms. Zimmerman to authorize payment in the amount of \$200 for the inspection of the dewatering project's stormwater facilities. Motion carried unanimously.

**Piping for Dewatering Building:** At the recommendation of the Township Authority and following discussion between the Commissioners and Mr. Yingst regarding which of the following costs were within the Authority Engineer's estimated amounts for the dewatering project and which were not, **MOTION** by Mr. Embich, second by Mr. Lively to authorize payment for the following items pertaining to piping for the dewatering building for the corresponding estimated amounts: (1) sludge pipes for \$3,600, (2) drain/waste/vent pipes for \$1,200, (3) electrical conduit for \$500, and (4) link seals for \$800. Motion carried unanimously.

**Core Drilling Contractor Work for the Dewatering Building:** At the recommendation of the Township Authority and noting this cost exceeded the Authority Engineer's estimated amount for this aspect of the dewatering project, **MOTION** by Mr. Lively, second by Mr. Hoover to authorize DriveKore to perform the core drilling work for the dewatering building at an estimated cost of \$2,500. Motion carried unanimously.

Philip Snavelly, Chief of the Union Hose Company (UHC), joined the meeting at 7:07 PM.

Excavating Contractor Work for the Dewatering Building: At the recommendation of the Township Authority, **MOTION** by Mr. Lively, second by Mr. Embich to authorize Kresge Excavating to perform the excavating for the dewatering building at an estimated cost of \$10,000. Motion carried unanimously.

Electrical Contractor Work for the Dewatering Project: Noting that quotes were sought from four contractors, quotes were received from two, and at the recommendation of the Township Authority, **MOTION** by Mr. Hoover, second by Ms. Zimmerman to authorize Dourte Electric, who provided the low quote, to perform the electrical work for the dewatering project at an estimated cost of \$20,000. Motion carried unanimously.

Change Order for Dewatering Platform: Mr. Yingst and the Commissioners discussed the timing of why the proposed change order for the dewatering platform had not been addressed at the previous week's Township Authority meeting, that the amount of the change order exceeded the Authority Engineer's estimated amount for this aspect of the dewatering project, the benefits of having BlueScope Construction perform this work, and that the members of the Township Authority were supportive of approving the change order due to concerns about delaying the completion of the dewatering project (and the increased likelihood of needing to rent dewatering equipment if that occurred) and believing the cost of the change order was competitive based upon another quote obtained by the Public Works Superintendent. **MOTION** by Mr. Embich, second by Ms. Zimmerman to authorize the change order in the amount of \$79,989 submitted by BlueScope Construction for the furnishing and installation of the platform on which the dewatering equipment would be mounted. Motion carried unanimously.

**Property:** The following items were addressed:

Town Hall Window Replacement Project: Ms. Zimmerman reported that Mr. Hoover and Mr. Yingst met with Dave Ludwig from Creek View Windows and Doors the prior week to review the scope of the Town Hall window replacement project, noting that based upon this meeting Mr. Ludwig will provide specifications and cost estimates.

Township Office Floor Refinishing Project: Ms. Zimmerman reported that Mr. Yingst has had meetings with the Township's information technology and telephone hardware providers to plan the movement of computers, copiers, printers, and telephones from the Township Office to the Commissioners' Meeting Room in April when the floors of the former are being refinished. She also noted the Public Works Department will be assisting with the temporary move.

**Parks & Recreation:** Nothing to report this month.

**Finance:** Mr. Embich reviewed the Financial Report for February 2019, highlighting the total income and expenses for the second month of 2019. A copy of the report is attached hereto and made a part of these minutes.

**Permits:** The Permits Report for February 2019 was reviewed, a copy of which is attached hereto and made a part of these minutes.

**Annville Activities:** Mr. Yingst reported he contacted the Friends of Old Annville (FOOA) to see if there was interest in suspending a banner above State Route 422 advertising for Historic Old Annville Day and FOOA indicated it would not be doing so for 2019. He also reported he reached out to Becky Gacono of the Annville Activities Committee and Michael Battistelli of St. Paul the Apostle Catholic Church to see if those organizations wished to suspend overstreet banners for the Memorial Day Parade and the Summer Bazaar, respectively, as both had advertised for these events in 2018. He concluded by reporting that Mr. Battistelli indicated St. Paul's was interested in suspending a banner for its 2019 Summer Bazaar and would be sending Mr. Yingst the application shortly.

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

#### **REPORTS OF SPECIAL COMMITTEES:**

**Fire Department:** The Board noted the receipt of the February 2019 Fire Chief's Report and Monthly Statistical Report for the UHC. The following items were then addressed:

**Authorization of Fire Department Box Cards:** Chief Snavelly reported the Lebanon County Department of Emergency Services (LCDES) would be going live with a new computer aided dispatch system in May 2019, that this required a new box card format system to be submitted by the Fire Department, and that he and other members of the Fire Department developed the box card submission presented to the Board for its review and approval. He then discussed in detail with the Commissioners how the box card system worked. **MOTION** by Mr. Lively, second by Mr. Embich to authorize the box cards submitted by the Fire Department to LCDES. Motion carried unanimously.

**"Jake Brake" Prohibition Exemption for Emergency Vehicles:** Noting that later in the meeting the Commissioners would be considering a request from a resident to prohibit engine retarding devices, commonly known as "Jake brakes", Chief Snavelly asked that emergency vehicles be exempted from such a prohibition. He believed that an earlier Township ordinance had provided for such an exemption—although the current ordinance addressing Jake brakes did not explicitly exempt emergency vehicles—and shared a number of safety reasons why he believed it was prudent to exempt vehicles driven by volunteer firefighters from such a prohibition. He also explained how Jake brakes work and that they are much less noisy on newer pieces of apparatus used by the UHC. He noted that one of the older Fire Department vehicles with noisier Jake brakes, the rescue truck, is in the process of being replaced. Mr. Lively inquired when the rescue truck would be in use. Chief Snavelly indicated the chassis for the rescue truck would be ready around mid-April 2019 and was expected to be fully equipped by year-end.

William Stickler, Police Sergeant, joined the meeting at 7:31 PM.

**Executive Sessions:** Mr. Yingst reported an Executive Session was held on February 21, 2019 to discuss personnel matters. An Executive Session was also requested to be held following the adjournment of the evening's meeting to discuss a real estate matter.

**Planning Commission:** Ms. Zimmerman reported the Planning Commission would be meeting on March 11, 2019 to review the preliminary land development plan submitted for Phase 3B of Stone Hill Village. She also noted the February 11, 2019 meeting of the Planning Commission was cancelled due to inclement weather and numerous efforts at rescheduling the meeting later in the month were ultimately fruitless due to the difficulty of guaranteeing a quorum on dates that also worked for the owner of Stone Hill Village. She concluded by noting the Zoning Hearing Board would be meeting on March 14, 2019 to hear a variance request pertaining to the hours of operation for the property at 344 East Main Street.

**Economic Development:** Mr. Yingst reported that the ordinance authorizing the assumption of the Economic Development Authority's debt by the Township was still on schedule to be considered for adoption at the April 2, 2019 Regular Meeting.

**Historic Architectural Review Board (HARB):** Mr. Embich reviewed the HARB Report for February 2019, 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 February 2019, 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 February 2019, 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 February 2019, a copy of which is attached hereto and made a part of these minutes.

**Public Safety:** The Police Statistical Report for February 2019 was reviewed, a copy of which is attached hereto and made a part of these minutes. The following items were then addressed:

**Presentation of American Flag:** Sergeant Stickler presented an American flag that was flown over a recent combat mission overseas. He noted it was a gift from Police Officer Jason Cleck, who was currently deployed overseas, and Officer Cleck was presenting it to the Commissioners and residents of Annville Township. The Commissioners expressed their appreciation for the gift and discussed how best to honor it, ultimately deciding that framing and displaying the flag in the Commissioners' Meeting Room was most appropriate and instructing Mr. Yingst to work with the Police Department to do so.

**Town Hall Security Cameras:** Noting the same types of cameras were recently installed at the wastewater treatment plant with favorable impressions and at the request of the Police Department, **MOTION** by Mr. Hoover, second by Ms. Zimmerman to authorize the purchase of a six camera

ITOTECT wireless security camera system for Town Hall for an estimated cost of \$379.99. Motion carried unanimously.

Jake Brake Prohibition Request: Mr. Yingst reported a request to prohibit Jake brakes had been received from a resident the prior month. While he noted the Township currently has such a prohibition in its Code of Ordinances, its enforceability depends upon first obtaining approval from the Pennsylvania Department of Transportation (PennDOT) and this approval has never been granted. There are a number of reasons PennDOT will not grant such approval, including a requirement that the average downhill grade of a roadway does not exceed 4% within any 500-foot section. This was previously thought to be an impediment to receiving PennDOT approval until it was recently learned that portions of the municipality—rather than the entire municipality—could have Jake brake restrictions. Mr. Yingst reported that Douglas Nyce of Maple Street was asking a request be made to PennDOT granting authorization to prohibit Jake brakes on State Route 422 from Mill Street in the west to Railroad Street in the east and on State Route 934 from Sheridan Avenue in the north to High Street in the south. Mr. Yingst also noted, as discussed earlier in the meeting, that the Fire Chief was recommending emergency vehicles be exempted from such a prohibition for safety reasons if the Commissioners wished to make a Jake brake prohibition request to PennDOT. Mr. Embich, recalling his time on the Derry Township Board of Supervisors, noted that in his experience such prohibitions could be difficult in commercial areas. Mr. Liles suggested that any prohibition on State Route 934 begin at least to the north of the bridge over the Norfolk Southern railroad tracks, if not at the municipal line. Mr. Yingst indicated that, because it was believed that stretch of roadway exceeded PennDOT's 4% grade restriction, it was excluded from Mr. Nyce's request lest it be denied for that reason. Mr. Lamoureux asked what the cost would be for implementing such a prohibition. Mr. Yingst indicated signage would likely be the primary cost, as it was believed PennDOT had the necessary information to evaluate such a request, meaning it was not anticipated the Township Engineer would need to be involved in the process. Sergeant Stickler then addressed the enforceability of a Jake brake restriction per a question from Mr. Lively. Mr. Hoover, whose residence is on West Main Street, noted he was not personally aware of a Jake brake problem and asked if this was a significant issue. Mr. Yingst indicated it was an issue that he tended to hear about from residents about once a year, on average. Ms. Zimmerman recalled this was a more significant issue in past years, especially due to the use of Jake brakes then by the Fire Department. Chief Snavelly resumed his earlier discussion on the safety reasons for why the UHC instructs volunteer firefighters to keep Jake brakes in use in non-inclement weather. Mr. Lively expressed his appreciation to Mr. Nyce for bringing this concern to the Township, and he recommended the Commissioners think about this over the next month, being mindful of the sound of Jake brakes throughout the Township, and revisiting the prohibition request at its April Regular Meeting. The Commissioners agreed with Mr. Lively's suggestion, and also Mr. Lamoureux's suggestion that Mr. Yingst and the Police Department research if PennDOT has information available on the grades of State Routes 422 and 934 in the Township, as well as if PennDOT would approve an exemption for emergency vehicles.

**MOTION** by Mr. Lively, second by Mr. Hoover to approve the reports of the Special Committees as presented. Motion carried unanimously.

**OLD BUSINESS:**

**First Aid and Safety Patrol (FASP) Emergency Medical Services (EMS) Financial Problems:**

Mr. Yingst reported the municipalities that use FASP for EMS are still waiting to receive its 2017 audit report.

**Condemned Property at 100 North Weaber Street:** Mr. Lamoureux reported the Sheriff's Office indicated that the Township could force a Sheriff's Sale against the property at 100 North Weaber Street, regardless of whether the Township had a claim against the property, and not be responsible for purchasing the property at such a sale if there were no buyers. He further reported that he is in the process of reaching out to the entities that have claims against this property to determine if they are willing to waive them, if the claims still remain valid, and that he is recommending this research conclude before he considers filing a lien against this property.

Chief Snively left the meeting at 8:09 PM.

**Hazard Mitigation Grant Program (HMGP) Property Leases:** Mr. Yingst reported that the prior month his office submitted to the Federal Emergency Management Agency (FEMA) the documentation it requested before it would grant authorization to the Township to lease out properties purchased through the HMGP. After doing so, FEMA indicated it may request additional information (although it was not clear what such information might be) and it could be months until FEMA would inform the Township if the request to lease its HMGP properties would be approved. As such, Mr. Yingst reported the Township Office is holding off on offering applications for leasing HMGP properties until it has clearer direction from FEMA regarding whether such leases will be permissible.

**FEMA Preliminary Flood Insurance Rate Map (FIRM):** Mr. Yingst reported that the prior week the Lebanon County Planning Department provided a listing of those properties in Annville Township where portions of those properties had existing structures currently in the floodplain that would be removed from the floodplain per the preliminary FIRM being proposed by FEMA. He also reported there were no properties identified in Annville Township where portions of those properties had existing structures not currently in the floodplain that would be added to the floodplain per the revised FIRM. He noted that, in accordance with past direction from FEMA, in the next few weeks his office would be sending letters out to the affected property owners advising them of this proposed change, the process for appealing this change to FEMA, and their ability to acquire flood insurance even if their property is no longer in the flood plain.

**NEW BUSINESS:**

**Application for County Liquid Fuels Funds:** Mr. Yingst presented an application requesting \$4,767 in Lebanon County Liquid Fuels funds and explained the different items it would fund. **MOTION** by Mr. Lively, second by Mr. Embich to authorize the signing of an application for Lebanon County Liquid Fuels funds in the amount of \$4,767 for repair parts for road maintenance vehicles, repair parts for the street sweeper, and street name signs and traffic directing signs. Motion carried unanimously.

**Authorization of Payment for Containers Funded by the Pennsylvania Department of Environmental Protection Section 902 Recycling Grant:** Noting the arrival of three containers

that were being 90% funded by the Section 902 Recycling Grant, **MOTION** by Mr. Embich, second by Mr. Hoover to authorize payment in the amount of \$17,703 to Truck Mounts Unlimited for this equipment. Motion carried unanimously.

**2019 Liquid Fuels Tax Payment:** Mr. Yingst reported the Township received notification from PennDOT that the Township's annual Liquid Fuels Tax payment for 2019 is \$131,829.38. Based on previous years' annual payments, \$128,500 was budgeted for this revenue source in 2019, so the actual 2019 payment amount is more than \$3,000 above the budgeted amount and is also more than \$3,000 above the actual 2018 payment amount.

**CORRESPONDENCE:** Mr. Lively noted receipt of an invitation to the Annville-Cleona Fire District Awards Banquet on March 9, 2019, and expressed his regrets that he would be unable to attend. He asked the other Commissioners to check their schedules to see if they would be available to attend in his stead.

**PAY BILLS:** **MOTION** by Ms. Zimmerman, 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 Ms. Zimmerman, second by Mr. Embich to adjourn the Regular Meeting. Motion carried unanimously and the meeting was adjourned at 8:24 PM.

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Rex A. Moore, President

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Nicholas T. Yingst, Secretary