

**DRAFT MINUTES OF THE ANNVILLE TOWNSHIP
BOARD OF COMMISSIONERS
February 6, 2018**

The February Regular Monthly Meeting of the Annville Township Board of Commissioners was held starting at 7:00 PM on February 6, 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; William Stickler, Police Sergeant; Linda Bechtel, Police Department Accreditation Manager; Corey Lamoureux, Esq., Township Solicitor; Luke Leininger, Chief of the Union Hose Company; Dean Wolfe, West Main Street; Bob Bechtel, North Cornwall Township; Chris Dalazzari and Jason Durant, BlueScope Buildings North America, Inc.; and Michael Swank, Steckbeck Engineering and Surveying, Inc.

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 Mr. Wolfe expressed his appreciation to the Fire Department for their quick and effective response to a recent fire at his laundromat. Mr. Hoover also shared that the Fire Department did a great job responding to a recent fire at his rental property on North Concord Street and the Commissioners led a round of applause for the Fire Department. Chief Leininger indicated he was glad to hear of the positive reports and would share this feedback and appreciation with the Fire Department.

APPROVAL OF MINUTES: MOTION by Ms. Zimmerman, second by Mr. Hoover to approve the minutes of the Regular Meeting held January 2, 2018 as presented. Motion carried unanimously.

REPORTS OF STANDING COMMITTEES:

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

Transmission Repairs to Ford Explorer: At the recommendation of the Township Authority, **MOTION** by Ms. Zimmerman, second by Mr. Embich to ratify payment in the amount of \$3,490.67 from the Sewer Capital Fund to Scott's Transmission Center for repairs to the Ford Explorer recently transferred to the Public Works Department. Motion carried unanimously.

Purchase of Kubota Front Loader: At the recommendation of the Township Authority, **MOTION** by Mr. Embich, second by Mr. Hoover to authorize the purchase of a Kubota front loader from Reading Tractor & Equipment in the amount of \$14,751.48 and for payment to be split equally between the General Fund and the Sewer Fund. The motion was then opened for discussion. Noting that quotes were sought from three different vendors, Mr. Hoover asked if the Township had copies of those proposals on file and Mr. Yingst indicated it did. With no further discussion noted the motion was voted upon and carried unanimously.

Property: The following item was addressed:

Town Hall Roof Replacement: Ms. Zimmerman reported that all closeout paperwork has been fully executed and payment in full was issued to the contractor in the amount of \$47,480.00. She also noted that engineering costs incurred by Gannett Fleming as project manager exceeded the original estimate by \$2,355.84. These additional costs were due to asbestos testing that was not part of the original estimate and additional involvement by Gannett Fleming to address some weather-related issues with the contractor that only became apparent after the initial work was completed. **MOTION** by Ms. Zimmerman, second by Mr. Lively to authorize the final payment to Gannett Fleming in excess of the original proposal amount for its management of the Town Hall roof replacement project. Motion carried unanimously.

Anthony Deaven, Church Street, arrived at the meeting at 7:05 PM.

Parks & Recreation and Hazard Mitigation Grant Program (HMGP) Project: The following item was addressed:

BOOK IT! Run: **MOTION** by Mr. Lively, second by Mr. Embich to authorize the Annville Free Library's BOOK IT! run through Quittie Creek Nature Park to be held on June 9, 2018 from 8 AM to 10 AM. Motion carried unanimously.

Finance: Mr. Embich reviewed the Financial Report for January, highlighting the total income and expenses for the first month of 2018. A copy of the report is attached hereto and made a part of these minutes. Mr. Hoover inquired about General Fund check no. 15382 to Met-Ed in the amount of \$4,520.77 and several checks issued to Meyer Oil Company. Mr. Yingst noted the former pertained to electricity for street lights and the latter pertained to both heating oil for Town Hall and fuel for equipment and vehicles for the Police Department and Public Works Department.

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

Annville Activities: Nothing to report this month.

REPORTS OF SPECIAL COMMITTEES:

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

Planning Commission: Mr. Yingst reported the Planning Commission did not meet in January and was not expected to meet in February. The following items were then addressed:

BlueScope Buildings North America, Inc. Stormwater Management and Improvements Plan: Noting a Stormwater Management and Improvements Plan was received from Steckbeck Engineering and Surveying, Inc. for BlueScope Buildings North America, Inc. and at the recommendation of the Township Engineer, **MOTION** by Mr. Hoover, second by Ms. Zimmerman to approve the Stormwater Management and Improvements Plan submitted for

BlueScope Buildings North America, Inc. contingent upon the satisfactory addressing of all remaining items in the Township Engineer's letter dated February 1, 2018. Motion carried unanimously.

BlueScope Buildings North America, Inc. Stormwater Management Operations and Maintenance Agreement: At the recommendation of the Township Engineer and Township Solicitor, **MOTION** by Ms. Zimmerman, second by Mr. Hoover to approve the Stormwater Management Operations and Maintenance Agreement and Declaration of Easement submitted for the BlueScope Buildings North America, Inc. Stormwater Management and Improvements Plan and to authorize its execution by the appropriate Township officials. The motion was then opened for discussion. Mr. Embich asked if the stormwater controls included in the plan were ultimately connected to the Township's stormsewer system and Mr. Swank indicated they were. After discussing the route the stormwater would take before reaching the Township's stormsewers and areas along the route prone to flooding, Mr. Swank indicated the rain gardens in the plan were intended to address such concerns by not discharging any additional stormwater off of the property. With no further discussion noted the motion was voted upon and carried unanimously.

BlueScope Buildings North America, Inc. Development Agreement: At the recommendation of the Township Engineer and Township Solicitor, **MOTION** by Mr. Embich, second by Mr. Hoover to approve the Development Agreement submitted for the BlueScope Buildings North America, Inc. Stormwater Management and Improvements Plan and to authorize its execution by the appropriate Township officials. The motion was then opened for discussion. Mr. Embich asked if the expanded driveway was intended to address problems of trucks queuing on North Mill Street. Mr. Swank indicated it was while sharing a page of the plans pertaining to the driveway expansion. With no further discussion noted the motion was voted upon and carried unanimously.

Financial Security for BlueScope Buildings North America, Inc. Stormwater Management and Improvements Plan: At the recommendation of the Township Engineer, **MOTION** by Mr. Embich, second by Ms. Zimmerman to accept the financial security amount of \$214,041.30 for the BlueScope Buildings North America, Inc. Stormwater Management and Improvements Plan, consisting of \$176,933.90 for stormwater escrow and \$37,107.40 for the driveway escrow. The motion was then opened for discussion. Ms. Zimmerman inquired if the project had already begun. Mr. Swank indicated work on the pad area had begun and Mr. Yingst noted the start of this specific work was authorized by the Township Engineer after a site visit. Vice President Lively asked if there had recently been a fire at the plant and Chief Leininger reported he had been alerted to a report of smoke and upon investigating found the smoldering remains of a controlled burn in a large hole. As such, the Fire Chief was not concerned about the fire spreading but informed plant staff that such burns required a permit. Mr. Hoover inquired if the stormwater runoff resulting from the plan's conversion of pervious surface to impervious surface would be offset by the plan's stormwater controls and Mr. Swank indicated it would. With no further discussion noted the motion was voted upon and carried unanimously.

Mr. Dalazzari, Mr. Durant, and Mr. Swank left the meeting at 7:28 PM.

Economic Development: The following item was addressed:

Engagement Letter for Possible Interest Rate Modification: Mr. Yingst presented an engagement letter received from Concord Public Financial Advisors, Inc. He reported the 2.4% fixed interest rate has expired on the 2012 bond that funded the Annville Center project and the variable rate for that bond was now set at 65% of prime with a cap of 4.9%. He further noted he has been in contact with Daryl Peck from Concord to see if it would be worthwhile to determine if the Township should attempt to lock in an interest rate; investigating this further would require approval of this engagement letter, which indicated Concord would only be paid its \$3,500 fee if the Township chose to accept an interest rate modification. Noting the engagement letter had been reviewed by Mr. Lamoureux, **MOTION** by Mr. Embich, second by Mr. Hoover to approve the aforementioned engagement letter and to authorize its execution by the appropriate Township officials. Motion carried unanimously.

Historic Architectural Review Board (HARB): Mr. Embich reviewed the HARB Report for January 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 January 2018, a copy of which is attached hereto and made a part of these minutes. Mr. Hoover had some questions about the cost of the bridge replacement project and Mr. Yingst indicated the Township was responsible for 5%, or an estimated \$100,000, of total project costs, and this was to be paid from the Liquid Fuels Fund over the course of the project.

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

Authorization for Public Meeting to Present Township MS4 Program and Fee: **MOTION** by Mr. Embich, second by Ms. Zimmerman to authorize the advertisement of a public meeting to present the Township MS4 program and fee for March 20, 2018 at 6:30 PM at the Annville-Cleona Secondary School Cafeteria, 500 South White Oak Street, Annville, PA 17003. Motion carried unanimously. Ms. Zimmerman asked if there were any other methods being employed to make people aware of this meeting and Mr. Yingst indicated there was a front page article in the Township newsletter which had been mailed earlier in the week. Mr. Hoover asked why the Township Authority had been tasked with developing the MS4 fee. Mr. Yingst indicated that according to municipal law, while the Board of Commissioners can assess taxes, it cannot assess a fee, while the opposite is true of the Township Authority. Because there are no tax exemptions for fees, and because the Board of Commissioners had previously decided the costs for meeting the requirements of the MS4 program should be borne by all in the community, the responsibility for developing and assessing this fee was passed to the Township Authority. Mr. Hoover asked if the requirements of the MS4 program were mandated by the Federal government and Mr. Yingst indicated they were. Mr. Embich then discussed the relationship between the MS4 regulations and the Chesapeake Bay Program.

Greater Lebanon Refuse Authority (GLRA): Mr. Embich reviewed the GLRA Report for January 2018, a copy of which is attached hereto and made a part of these minutes. The following item was then addressed:

Authorization for Payment of Stipend: At the request of the GLRA Executive Director, **MOTION** by Mr. Embich, second by Mr. Hoover to authorize the payment of a stipend to the appointed representatives to the Board of the GLRA in accordance with the following schedule: 1) the payment of \$35 for attending the monthly meeting of the Board of the GLRA, 2) the payment of \$50 for the Board Member elected to the position of Chair of the GLRA and attending the Board meeting, 3) the payment of \$30 for attending a Committee Meeting outside of a Board Meeting, and 4) the payment of \$15, in addition to payment for attending the Board Meeting, for attending a Committee Meeting held either directly before or following the Board Meeting. Motion carried unanimously.

Fire Department: The Board noted the receipt of the January 2018 Monthly Statistical Report and the 2017 Annual Statistical Report for the Union Hose Company. Chief Leininger indicated he anticipated also having an Engineer's Report to present to the Board at the next meeting that would provide information on the deployment of apparatus and fuel consumption. He also reviewed several items in the Annual Statistical Report with the Commissioners. The following items were then addressed:

Burned Out Bus: Ms. Zimmerman asked if there was an update on the burned out bus located toward the rear of a property on West Main Street. Chief Dugan described the required process for dealing with such a matter and how this had been complicated due to the fact that the paperwork transferring the vehicle had not been submitted due to having been destroyed in the fire that destroyed the bus. Because this paperwork had never been properly processed, the bus is not owned by the people who purchased it and currently possess it, but rather by the individuals who sold it, and these individuals reside in Connecticut. Chief Dugan indicated he would shortly be discussing how to appropriately address this unique situation with Mr. Lamoureux.

Joinder Committee: Chief Leininger and Mr. Deaven shared their positive impressions of the initial meeting of the reconstituted fire department joinder committee that was held on January 30, 2018. Mr. Lively noted that information was being gathered for a joinder feasibility study and the next meeting of the committee was scheduled for mid-March.

Rex A. Moore, President of the Board of Commissioners, arrived at the meeting at 8:00 PM.

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

COMMITTEE ASSIGNMENTS: President Moore noted the Commissioners were provided with a listing of suggested committee assignments for 2018 and asked if there were any comments or questions pertaining to same. Mr. Hoover asked what the expectations were for the Parks & Recreation/HMGP and Annville Activities assignments and President Moore indicated the primary responsibilities were attendance at meetings of these community organizations and serving as a liaison between them and the Township. With no further comments or questions noted, President

Moore officially appointed the Commissioners to the committee assignments per the listing and a copy of the listing is attached hereto and made a part of these minutes.

Public Safety: The Police Statistical Report for January 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 Jarrett Dominicis: Mr. Yingst reported that Jarrett Dominicis, part-time police officer, resigned from employment with Annville Township, effective January 26, 2018. **MOTION** by Mr. Lively, second by Mr. Hoover to accept the resignation of Jarrett Dominicis from employment with Annville Township, effective January 26, 2018. Motion carried unanimously.

Hiring of Part-Time Police Officer: At the recommendation of Chief Dugan, **MOTION** by Mr. Lively, second by Mr. Hoover to ratify the hiring of John Maldonado as a part-time police officer as a provisional appointment effective January 30, 2018. Motion carried unanimously.

Police Department Accreditation and Recognition for Linda Bechtel: Ms. Bechtel presented the Board with a plaque from the Pennsylvania Chiefs of Police Association (PCPA) indicating the Police Department had achieved accreditation for another three-year period. She described the significant amount of work that is required for maintaining accreditation before sharing some of accreditation's practical benefits, in particular noting that it establishes a culture of accountability within the Police Department and according to the standards set by the PCPA. It was also noted the Annville Police Department is the only accredited department in Lebanon County. Sharing that Ms. Bechtel will shortly be retiring, Chief Dugan presented her with a plaque thanking her for her efforts to make accreditation possible, her decade of service to the Police Department, and wishing her well on her retirement, and the Commissioners concurred by leading a round of applause.

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

Mr. and Ms. Bechtel left the meeting at 8:11 PM.

OLD BUSINESS:

Speed Control on Side Streets: Chief Dugan shared the results of speed studies that were performed by the Local Technical Assistance Program (LTAP) of the Pennsylvania Department of Transportation (PennDOT) over the past few weeks on North Railroad Street and Maple Street to determine if speed limit changes on those streets were warranted. The Commissioners reviewed the results in depth and it was noted the LTAP engineer was not recommending a change to the speed limits along these streets to be warranted based upon the studies. The Commissioners also commented favorably that the detailed information in the study results would be helpful for the Police Department prioritizing when to check speed on these streets. Chief Dugan also reported that a speed limit reading sign cost approximately \$5,000 and due to the high cost he did not think purchasing such a sign was justified.

NEW BUSINESS:

Proposed Ordinance Establishing a Rate of Compensation and Duty Requirements for the Tax Collector: Noting that the First Class Township Code requires the adoption of an ordinance for any changes to the Tax Collector's rate of compensation, Mr. Yingst presented a proposed ordinance establishing a rate of compensation and duty requirements for same. He noted the County Treasurer has indicated it satisfies the proposed requirements. **MOTION** by Mr. Lively, second by Ms. Zimmerman to authorize the advertisement of the proposed ordinance as presented for possible adoption at a future Regular Meeting. Motion carried unanimously.

Condition of Sharrows and Turning Arrows: Mr. Yingst reported that the prior month he conducted a survey of the condition of the sharrows along U.S. Route 422 that were applied as part of that highway's milling and overlay project in 2017 by PennDOT and provided the results of that survey to the Commissioners. It was noted that while PennDOT incurred the cost for the initial application of the sharrows, their ongoing maintenance was the responsibility of the Township. With this in mind, the significant percentage of sharrows showing signs of significant deterioration—often even before the highway was salted or plowed—were discussed by the Commissioners and how they wished the Township to address this. It was also noted that a number of turning arrows applied during this project were showing signs of significant deterioration. The Commissioners in general expressed frustration regarding the condition of the sharrows and that they would not have approved them had they realized how quickly they would deteriorate. Mr. Embich indicated that while sharrows were common in the southern part of the country, he questioned whether they were able to withstand winter weather in Pennsylvania. It was also noted that nearly all of the sharrows in the westbound lane of traffic along the corridor were deteriorating while the sharrows in the eastbound lane were holding up much better. Mr. Yingst indicated he spoke to the Public Works Director and the sharrows in the westbound lane were applied later in the season than those in the eastbound lane and perhaps the temperature was not warm enough to apply the former properly. The Commissioners indicated they did not wish to be responsible for maintaining these pavement markings if they were going to worsen so quickly and instructed Mr. Yingst to contact PennDOT to see if it would address the deteriorating sharrows and turning arrows. Ms. Zimmerman suggested that other municipalities who were experiencing deteriorating pavement markings be sought out to join the Township in expressing concerns to PennDOT. Mr. Hoover also suggested PennDOT be asked if it could provide a warranty on these pavement markings.

Chief Leininger left the meeting at 8:41 PM.

Swatara Sojourn Proclamation: In light of the 30th annual Swatara Sojourn, Mr. Embich presented and read a proclamation declaring May 5 and 6, 2018 as Swatara Creek Sojourn Days, noting how the Township benefits from the Sojourn and the purpose of the Swatara Watershed Association that sponsors the event. **MOTION** by Mr. Embich, second by Mr. Lively to proclaim May 5 and 6, 2018 as Swatara Creek Sojourn Days and to instruct the appropriate Township officials to execute and submit this proclamation to the Swatara Watershed Association. Motion carried unanimously and a copy of this proclamation is attached hereto and made a part of these minutes.

Snow and Ice Removal from Sidewalks: Ms. Zimmerman expressed concerns about sidewalks throughout the Township that remained uncleared of snow and ice following a storm two days prior. She noted she had sent an email to Mr. Yingst and Chief Dugan about this earlier in the day. Chief Dugan reported the Police Department had counted 36 properties along Main Street in violation of the snow and ice removal regulations that day. He also noted that five of these residents had been contacted directly and provided reasons why they were unable to clear the snow and ice, including the advanced age of one resident and illness in the family of another resident. Noting the challenges of uniform enforcement and determining which explanations for noncompliance were reasonable, Chief Dugan asked the Commissioners how they wished for him to address this concern. Ms. Zimmerman stated she believed those in violation of the regulations should be cited. Mr. Leininger asked the timeframe for clearing snow and ice from sidewalks and Mr. Yingst indicated it was 24 hours after a storm ended. Mr. Lively surmised that the impact of the storm snuck up on a lot of residents and its timing in relation to the Super Bowl later that evening likely compounded this. Ms. Zimmerman noted that many in the community use the sidewalks throughout the year and were unable to do so until spring if snow and ice were not cleared. President Moore noted that many pedestrians in town choose to walk down the streets instead of the sidewalks when the weather is good and Mr. Embich concurred. Mr. Lively and Mr. Hoover asked if there was an article in the newsletter on the snow and ice removal requirement and Mr. Yingst indicated there was. Mr. Hoover asked who was liable if the snow and ice was not removed from a sidewalk and President Moore indicated it was the adjacent property owner. Ms. Zimmerman expressed her belief the Township would be liable if it was not enforcing the regulations. **MOTION** by President Moore, second by Mr. Lively to visit the idea of changing the Township's regulations on removing snow and ice after a storm and to evaluate what would be practical enforcement of same. The motion was then opened for discussion. President Moore and Ms. Zimmerman debated different ideas of what constituted proper enforcement of these regulations. Mr. Lively suggested that the Police Chief had demonstrated a reasonable effort to address this concern. Mr. Wolfe expressed a concern that elderly or handicapped residents on fixed incomes may not be able to meet this requirement. Following a question as to the date of the ordinance implementing these regulations, it was also suggested that perhaps a 24 hour timeframe was no longer practical. Chief Dugan noted that enforcement of snow and ice removal was done by a code officer in other municipalities. Mr. Yingst expressed concern that trying to address this via the International Property Maintenance Code (IPMC) would be difficult, as IPMC enforcement is a slow process with a 20-day appeal window, an inability to issue citations, and is time-intensive and expensive. With no further discussion noted the motion was voted upon and carried by a vote of four to one with President Moore, Mr. Lively, Mr. Embich, and Mr. Hoover voting in favor of the motion and Ms. Zimmerman voting against the motion.

CORRESPONDENCE: The Board was informed of the following item of correspondence received since its January Regular Meeting:

Trout Unlimited 2018 Annual Fundraising Banquet: Mr. Yingst reported that communication was received from Joseph Connor of the Doc Fritchey Chapter of Trout Unlimited inviting the Commissioners to its 2018 annual fundraising banquet. He noted that the banquet is scheduled for 5 PM on March 24, 2018 at the Holiday Inn of Grantville and tickets may be purchased for \$35 per person. Mr. Yingst noted the Township sponsored a full inside page advertisement in the banquet program in 2015, 2016, and 2017 and \$100 was budgeted for this again in 2018.

MOTION by President Moore, second by Mr. Lively to authorize the sponsorship of a full inside page advertisement in the program for the 2018 annual fundraising banquet of the Doc Fritchey Chapter of Trout Unlimited at a cost of \$100. Motion carried unanimously.

PAY BILLS: MOTION by President Moore, 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 9:01 PM. The Regular Meeting was reconvened at 10:03 PM with the five Commissioners, Mr. Yingst, Chief Dugan, Sergeant Stickler, and Mr. Lamoureux present.

ADJOURNMENT: There being no further business to come before the Board, **MOTION** by Mr. Hoover, second by Mr. Embich to adjourn the Regular Meeting. Motion carried unanimously and the meeting was adjourned at 10:04 PM.

Rex A. Moore, President

Nicholas T. Yingst, Secretary