

**DRAFT MINUTES OF THE ANNVILLE TOWNSHIP
BOARD OF COMMISSIONERS
March 3, 2020**

The March Regular Monthly Meeting of the Annville Township Board of Commissioners was held starting at 7:00 PM on March 3, 2020 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; Nevin R. Hoover; and Anthony C. Perrotto. 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; Dean Wolfe, West Main Street; Eugene Martin, Stone Hill Village; Mike Rotunda, Rotunda Brewing Company; Patrick Luce, GFL Environmental; and two unidentified persons.

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

Request for Waiver of Open Container Regulations for Rotunda Brewing Company (RBC) for Historic Old Annville Day (HOAD):

Mr. Rotunda, who was listed on the agenda, was recognized for comment and he shared that RBC wished to again have a "beer garden" at the front of its business at 245 West Main Street on June 13, 2020 for HOAD for the sampling and purchase of its product. He indicated the outdoor area where the drinks would be served and consumed would be separated from the rest of the HOAD area better than had been the case in 2019, and those monitoring the area would be RAMP (Responsible Alcohol Management Program) certified. He noted the Friends of Old Annville were supportive of this, and RBC had received an Exposition Permit from the Pennsylvania Liquor Control Board (PLCB) to conduct tastings in individual portions as permitted by law (four fluid ounces of a malt or brewed beverage) and the sale of alcohol on this date. Chief Dugan indicated there were no issues evident when RBC operated a "beer garden" at HOAD in 2019, nor did he have any concerns with the request. It was noted that, if the Board of Commissioners was supportive of this, it would need to grant a waiver of its open container regulations. Mr. Hoover stated he had respect for and confidence in Mr. Rotunda and his business, while expressing uneasiness about alcohol being served at 10 AM. Mr. Rotunda indicated they were not very busy first thing in 2019, with the bulk of its business occurring later on in the day. With no further comments or questions noted, Mr. Rotunda asked the Commissioners if they thought the Township might be interested in hosting a brewery event or similar festival in the community, noting Lititz had done so successfully in recent years. Mr. Perrotto indicated he thought that was an interesting idea and, as he was assigned to Annville Activities, he would be happy to look into this possibility further with Mr. Rotunda, and President Moore asked him to do so. **MOTION** by Mr. Lively, second by President Moore to grant a waiver from the open container regulations of Section 6-202 of the Annville Township Code of Ordinances to RBC from 10 AM until 2 PM on June 13, 2020 for HOAD. Motion carried by a vote of four to one with President Moore, Mr. Lively, Mr. Hoover, and Mr. Perrotto voting in favor of the motion and Mr. Embich voting against it.

Mr. Rotunda left the meeting at 7:05 PM.

Request by GFL Environmental for Sharing of Recycling Processing Costs: Mr. Luce, who was listed on the agenda, was recognized for comment and he requested the Township consider sharing a portion of the recycling processing costs that were incurred by GFL Environmental as part of its residential refuse and recycling collection contract with the Township. While noting the Township was not bound to do so per its contract with GFL, he indicated he was making this request since the cost of processing recyclables had increased significantly due to recent market changes. Whereas in years past, such as when the Township's contract was last bid, recyclables actually generated a small amount of revenue, it was now costing around \$85 per ton to process recyclables. Noting that nearly 175 tons of recyclables originating from the Township had been processed in 2019, Mr. Luce further noted that at the current rate that would project to around \$15,000 in annual costs. As such, he asked if the Township was interested in providing any relief to GFL. Per a question from Mr. Hoover, Mr. Luce indicated the Township's recyclables are hauled to Kugel's in Berks County, which source separates the items and finds the markets for them, and GFL pays them to do so. Per a question from Mr. Embich, Mr. Luce indicated there was information available on the tonnage of different types of recyclables originating from the Township, but he did not have that information on hand. Mr. Lively asked if GFL had a suggested share it was requesting the Township to pay, and Mr. Luce indicated it did not and that any relief offered was strictly up to the municipality. Mr. Perrotto asked what the response to this request had been from other municipalities and Mr. Luce indicated he was still in the midst of this conversation with some municipalities, while Mount Joy Township had agreed to share a portion of the recycling processing costs toward the end of its last contract. Mr. Lamoureux asked if such cost sharing resulted in revising existing contracts and Mr. Luce indicated such changes could be enacted via a simple declarative statement. Mr. Embich and Mr. Luce then discussed if other alternatives for disposing of items currently classified as recyclables were possible, prudent, or legal. Per a question from Mr. Perrotto, Mr. Yingst shared the efforts the Township had made over the last year and a half to inform and educate its residents of the recent changes to recycling requirements as spearheaded by the Greater Lebanon Refuse Authority. With no further comments or questions noted, the Commissioners agreed to think further about Mr. Luce's request and he thanked them for their consideration before leaving the meeting at 7:20 PM.

APPROVAL OF MINUTES: MOTION by Mr. Lively, second by Mr. Hoover to approve the minutes of the Regular Meeting held February 4, 2020 as presented. Motion carried unanimously.

REPORTS OF STANDING COMMITTEES:

Public Works: The Public Works Report for February 2020 was reviewed, a copy of which is attached hereto and made a part of these minutes. The following items were then addressed:

Dewatering Project Loan Requisition No. 6: At the recommendation of the Township Authority, **MOTION** by Mr. Perrotto, second by Mr. Lively to (1) authorize Requisition No. 6 from the dewatering project loan to the dewatering account in the amount of \$22,024, (2) authorize payment from the dewatering account to Sherwood Logan & Associates, Inc. in the amount of \$22,024 for the balance of accumulated project retainage, and (3) authorize the closeout of the dewatering project loan and account by the appropriate Township officials, all actions contingent upon the determination of Gannett Fleming and the Public Works Superintendent that satisfactory as-built

plans and operations and maintenance manuals have been received and the polymer system drip has been satisfactorily resolved. Motion carried unanimously.

Sewage Backup Costs: At the recommendation of the Township Authority, **MOTION** by Mr. Hoover, second by Mr. Embich to authorize payment in the amount of \$219.99 pertaining to the sewer main clog that resulted in plumber costs for the property at 31 North Railroad Street. Motion carried unanimously.

Public Safety: The Police Statistical Report for February 2020 was reviewed, which included a listing of calls responded to in South Annville Township over the past month. A copy is attached hereto and made a part of these minutes. The following items were then addressed:

Request for Special Waiver from Noise Regulations: It was reported Lebanon Valley College (LVC) was planning to have a company do a fireworks display on April 17, 2020 around 8:00 PM or 8:15 PM for ValleyFest. Mr. Perrotto asked if the Fire Chief was supportive of this and Chief Dugan reported the college notified the Fire Chief and expected apparatus would be on hand. Reviewing a map of the launch area, Mr. Lively noted it was in proximity to the Liberty Station neighborhood and wondered if that might be problematic. Chief Dugan noted the map was from the fireworks display company based upon its determination of the appropriate launch area. Per a question from Mr. Lively, Chief Dugan explained the differences in the law for personal fireworks versus a fireworks company doing a display. With no further comments or questions noted, **MOTION** by Mr. Hoover, second by President Moore to grant a special waiver from the noise regulations in Part 8 of Chapter 6 of the Township Code of Ordinances specific to this event as described above. Motion carried unanimously.

Closure of East Sheridan Avenue for ValleyFest: Noting a request was received for same from LVC, **MOTION** by Mr. Lively, second by Mr. Hoover to authorize the closure of East Sheridan Avenue from North White Oak Street Extension to North College Avenue from 7:00 AM to 7:00 PM on April 19, 2020 for ValleyFest. The motion was then opened for discussion. Mr. Embich asked if Annville United Methodist Church conducted Sunday evening services and if this might affect parking for the church. Chief Dugan indicated he was unaware of any concerns expressed by the church in past years regarding this event or street closure. With no further comments or questions noted the motion was voted upon and carried unanimously.

Appointment of Civil Service Commission Alternate: At the recommendation of the Civil Service Commission Vice Chairperson and the concurrence of the Commission's other members, **MOTION** by Mr. Lively, second by Mr. Perrotto to appoint M. Scott Long as an Alternate to the Civil Service Commission for a term ending December 31, 2024. Motion carried unanimously.

Property: Mr. Yingst reported he has reached out to several contractors requesting quotes for the second half of the Town Hall window replacement project.

Parks & Recreation: It was reported the Quittie Park Committee of Friends of Old Annville had scheduled a meeting at Quittie Creek Nature Park on March 8, 2020 at 2 PM to discuss the use of the park by students who wished to bicycle there. As Mr. Hoover was unavailable to participate

at that date and time, President Moore and Mr. Lively indicated they would try to represent the Township at that meeting.

Finance: Mr. Embich reviewed the Financial Report for February 2020, highlighting the total income and expenses through the second month of 2020. A copy of the report is attached hereto and made a part of these minutes.

Permits: The Permits Report for February 2020 was reviewed, a copy of which is attached hereto and made a part of these minutes.

Annville Activities: Mr. Perrotto reported he would be attending a HOAD planning meeting the following evening and while no planning meetings for the 2020 Memorial Day Parade had yet been scheduled, he has been in contact with the Annville Community Activities Committee (ACAC) so he may participate. The following item was then addressed:

Resolution No. 20200303-1 – Designating Intent to Erect a Banner Across U.S. Route 422 for 2020 Memorial Day Parade: Noting an application was received from the ACAC to erect a banner across U.S. Route 422 advertising the Memorial Day Parade, Mr. Perrotto noted a resolution for same had been prepared and presented to the Commissioners 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 Mr. Embich to adopt Resolution No. 20200303-1 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. Embich, second by Mr. Lively 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 February Regular Meeting. An Executive Session was requested to be held prior to the adjournment of the evening's meeting to discuss personnel matters pertaining to a grievance received from the Annville Township Police Officers Association, the sale of property, and consulting with counsel about potential litigation pertaining to condemned property and active litigation pertaining to Lebanon County Court of Common Pleas Action No. 2020-00078 in the matter of Kristofer H. Gacono and Christine R. Gacono v. Michael R. and Melanie Semrau and Annville Township.

Planning Commission: Mr. Perrotto reported the Planning Commission meeting for February was cancelled due to a lack of business but it was planning to meet on March 9, 2020 to elect officers for 2020 and review the proposed ordinance amending the floodplain regulations and flood zone changes to the zoning map. The following item was then addressed:

Stone Hill Village Phase 3B-1 Final Land Development Plan Reapproval: At the recommendation of the Township Engineer and Township Solicitor, **MOTION** by Mr. Embich, second by Mr.

Lively to reapprove the final land development plan submitted for Phase 3B-1 of Stone Hill Village contingent upon all items in the Township Engineer's review letter being satisfactorily addressed and obtaining the necessary signatures. Motion carried unanimously.

Mr. Martin left the meeting at 7:38 PM.

Historic Architectural Review Board (HARB): Mr. Embich reviewed the HARB Report for February 2020, a copy of which is attached hereto and made a part of these minutes. The following items were then addressed:

Bracket Mounted Sign at 146 West Main Street, Vinyl Applied Window Signage at 13 East Main Street, and Addition at 333 West Main Street: At the recommendation of HARB, **MOTION** by Mr. Embich, second by Mr. Lively to issue Certificates of Appropriateness for (1) a bracket mounted sign with external bracket lighting for Ricker Sweigart & Associates at 146 West Main Street, (2) vinyl applied window signage for Snack, Wags and Whistles at 13 East Main Street, and (3) an addition at 333 West Main Street. Motion carried unanimously.

Building Mounted Sign at 344 East Main Street: **MOTION** by Mr. Embich, second by Mr. Hoover to take from the table consideration on HARB's decision to deny a Certificate of Appropriateness for the building mounted sign at Ninh Kieu Restaurant. Motion carried unanimously. The Commissioners then discussed this at length. Mr. Embich shared that the Zoning Officer had determined the size of the sign was appropriate; however, it was not permitted because that zoning district did not allow for internally illuminated signs. As such, he noted the restaurant owner would need to petition the Zoning Hearing Board for a variance before he could proceed from the standpoint of zoning. Mr. Embich also shared the options available to the Board of Commissioners regarding this application. Mr. Lively noted the existing post mounted sign at the restaurant is internally illuminated and asked why this would not be acceptable for a building mounted sign. Mr. Embich indicated this was because the former sign was existing and already grandfathered while the latter sign was not. At the request of President Moore, Mr. Yingst described the process by which the Township Office notifies owners or listing agents of properties for sale in the Historic District, as well as new owners of properties in the Historic District, of the HARB requirements. It was also noted the signage had been installed prior to receiving any required permits. Mr. Embich asked what the enforcement mechanism would be for removing such signage and Mr. Yingst indicated it would be via the Zoning Officer. President Moore indicated he was uncomfortable going against HARB's recommendation on this and noted its good work in improving the appearance of the Historic District and Mr. Lively concurred. With no further comments or questions noted and at the recommendation of HARB, **MOTION** by Mr. Lively, second by Mr. Hoover to concur with HARB's decision to deny a Certificate of Appropriateness for the building mounted sign at Ninh Kieu Restaurant at 344 East Main Street. Motion carried by a vote of four to one with President Moore, Mr. Lively, Mr. Hoover, and Mr. Perrotto voting in favor of the motion and Mr. Embich voting against it.

Wage & Salary: Nothing to report this month.

Municipal Separate Storm Sewer System (MS4): Mr. Embich reviewed the MS4 Report for February 2020, a copy of which is attached hereto and made a part of these minutes. He also

shared some information from the prior week's meeting of the Lebanon County Clean Water Alliance.

Greater Lebanon Refuse Authority (GLRA): Mr. Embich reviewed the GLRA Report for February 2020, a copy of which is attached hereto and made a part of these minutes.

Fire Department: Mr. Lively reviewed the February 2020 Fire Chief's Report and Monthly Statistical Report for the Union Hose Company (UHC). In particular, he noted the UHC's change from a 30-year replacement plan for apparatus to a 21-year replacement plan to save on end-of-life repairs and for better resale value, the sale of the old rescue vehicle for \$80,000, and the good transition and improved response times by Life Lion Emergency Management Services since it was designated as the Township's primary ambulance company. The following items were then addressed:

Nondisclosure Agreement with Pennsylvania American Water: At the request of the Fire Chief, **MOTION** by Mr. Lively, second by Mr. Perrotto to (1) approve a nondisclosure agreement with Pennsylvania American Water by which the Fire Department will be able to access information on water main locations and sizes and hydrant locations and (2) authorize execution of same by the appropriate Township officials. Motion carried unanimously and, at Mr. Embich's request, Mr. Lively agreed to communicate to the UHC the importance of appropriately securing the information received from the water company.

Refinancing of Portion of Rescue Vehicle Loan: **MOTION** by Mr. Perrotto, second by Mr. Embich to authorize a Public Hearing for the presentation and discussion of the refinancing of the rescue vehicle for the UHC at a date, time, and location of the Township's Solicitor's choosing and consistent with all notice and publication requirements as set forth by law. Motion carried unanimously.

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

OLD BUSINESS:

Automated Red Light Enforcement (ARLE) Grant Pedestrian Improvements: Mr. Yingst reported PennDOT finally issued the highway occupancy permit for the relocation of the crosswalk along South White Oak Street by Annville Elementary School with the flashing pedestrian signs. It was further reported the fully executed easement agreements and corresponding payments had been issued to the pertinent property owners and Chief Dugan had been in communication with the Public Works Superintendent to review the next steps for the project and to identify contractors who may be interested in the installation of the handicapped-accessible curb ramps.

Jones and Maple Streets Stormwater: No updates to report.

Federal Emergency Management Agency Preliminary Flood Insurance Rate Map: Mr. Yingst noted that, as reported earlier, the Planning Commission would be meeting the following week to review the proposed ordinance amending the floodplain regulations and flood zone

changes to the zoning map. Noting these were changes to the zoning regulations and, as such, required certain other steps not required for non-zoning changes, **MOTION** by Mr. Hoover, second by Mr. Lively to authorize holding a Public Hearing regarding the proposed changes to the floodplain regulations and flood zone changes to the zoning map as well as the preparation, advertising, and dissemination of a public notice for same and any other actions required by law. Motion carried unanimously.

Welcome Sign: Mr. Hoover reported he met with Erik Josephson about the possibility of a welcome sign on the latter's property in North Annville Township and he reviewed with the Commissioners a concept drawing Mr. Josephson submitted. In particular, Mr. Hoover noted an existing utility pole would likely affect where such a sign would be located on the property in order to provide optimal visibility, and he further noted Mr. Josephson's suggestion of a limestone wall around the base of the sign for which he would request some reimbursement. Mr. Hoover indicated that electric could be available at the location and he had a possible source for the stone at the base, and he expressed his opinion that the concept drawing would make for an attractive sign. Mr. Wolfe asked if there would be setback requirements from State Route 934 and Mr. Yingst indicated he expected there would be. Mr. Yingst then reported he contacted the Annville-Cleona Council of Churches regarding the church signs on the fence-like structures at the north and west approaches to the Township and the Council was in favor of their removal. He asked the Commissioners if they were comfortable instructing the Public Works Department to remove the structure at the west approach to the Township and possibly the north approach, as well, and there was concurrence on this. Mr. Yingst also reported he contacted the North Annville Township zoning officer about installing a welcome sign and learned that since this would be categorized as an off-premises sign, it would require receiving a variance from the North Annville Township Zoning Hearing Board. Mr. Wolfe expressed his belief any such sign should be located within Annville Township. The Commissioners agreed the next step would be to get a price for such a sign and Mr. Yingst indicated he would do so.

Road Safety Audit (RSA): Mr. Yingst reported the RSA for State Route 934 from Palmyra-Bellegrove Road in North Annville Township to Royal Road in South Annville Township was scheduled for April 30, 2020 and that he, Chief Dugan, and the Public Works Superintendent would be participating on behalf of Annville, as well as representatives from PennDOT, the Lebanon County Planning Department, North Annville Township, and South Annville Township. He further reported he had communicated two specific areas of concern along this roadway in advance, namely traffic challenges at the intersection with U.S. Route 422, especially for traffic attempting to turn left onto U.S. Route 422 and if a left turn arrow or another solution might be of benefit, and the curve on the roadway south of this intersection near Christ Church. Mr. Yingst noted he had also contacted a representative of Christ Church as he believed the church wished to have someone present at that location during that portion of the RSA. At the suggestion of Mr. Perrotto, Mr. Yingst agreed to also communicate the difficulty tractor trailers had in negotiating turns at the town square.

NEW BUSINESS:

Hiring of Part-Time Custodian: **MOTION** by President Moore, second by Mr. Perrotto to ratify the hiring of Samuel Muir as a part-time Custodian at Town Hall at a rate of \$10.00 per hour, effective February 12, 2020. Motion carried unanimously.

Swatara Sojourn Proclamation: In light of the 32nd annual Swatara Sojourn, which will be using a theme of “Return on Environment”, a proclamation was presented declaring May 2 and 3, 2020, 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 2 and 3, 2020, 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.

2020 Liquid Fuels Tax Payment: Mr. Yingst reported the Township received notification from PennDOT that the Township’s annual Liquid Fuels Tax payment for 2020 is \$128,311.48. Based on previous years’ annual payments, \$126,000 was budgeted for this revenue source in 2020, so the actual 2020 payment amount is more than \$2,000 above the budgeted amount but is also more than \$3,000 less than the actual 2019 payment amount.

CORRESPONDENCE: The Board was informed of the following item of correspondence received since its February 2020 Regular Meeting:

Zoning Hearing Board (ZHB) Meeting: Mr. Yingst reported a request was received from Martin Brandt of the Annville Free Library (AFL) requesting a Commissioner attend the AFL’s variance petition before the Zoning Hearing Board (ZHB) on March 10, 2020 to express the Township’s support for this project. Mr. Perrotto indicated he was willing to attend and, at his inquiry, the Commissioners shared their support for the AFL’s concept while recognizing and respecting that the ZHB was independent entity from the Board of Commissioners.

PAY BILLS: **MOTION** by Mr. Lively, second by Mr. Embich 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 8:30 PM. The Regular Meeting was reconvened at 9:35 PM with the five Commissioners, Mr. Yingst, Chief Dugan, and Mr. Lamoureux present.

Community Night Out (CNO): Chief Dugan briefly discussed the challenges of conducting CNO and shared the Police Department’s inclination to change how they do this event, or to perhaps do a different type of event for interacting with the public. The Commissioners expressed their support for Chief Dugan continuing to reevaluate this.

Sale of Property at 401 South Spruce Street: **MOTION** by Mr. Lively, second by Mr. Embich to authorize the preparation and advertisement of a notice seeking sealed bids for the sale of the property at 401 South Spruce Street. Motion carried unanimously.

Possible Demolition of Property at 100 North Weaber Street: **MOTION** by Mr. Hoover, second by Mr. Perrotto to authorize Mr. Yingst to discuss the status of the property at 100 North Weaber Street with the Code Enforcement Officer to determine if the latter believes a demolition notice should be issued to the property owner and to authorize any such actions as he deems to be necessary. Motion carried unanimously.

ADJOURNMENT: There being no further business to come before the Board, **MOTION** by Mr. Perrotto, second by Mr. Lively to adjourn the Regular Meeting. Motion carried unanimously and the meeting was adjourned at 9:40 PM.

Rex A. Moore, President

Nicholas T. Yingst, Secretary