

**DRAFT MINUTES OF THE ANNVILLE TOWNSHIP
BOARD OF COMMISSIONERS
September 1, 2020**

The September Regular Monthly Meeting of the Annville Township Board of Commissioners was held starting at 7:00 PM on September 1, 2020 at the Annville Public Works Facility garage, 675 West Main Street, Annville, PA due to the COVID-19 pandemic emergency 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; Armin and Sarah Rudd, Maple Street; Dean Wolfe, West Main Street; and Sean Flanagan, ThYNK Design.

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:

Jones and Maple Streets Stormwater: Mr. Rudd was recognized for comment and he asked the Commissioners to move ahead on authorizing the Township Engineer to commence with a study of rerouting the Jones and Maple Streets stormwater system in 2020, noting correspondence had been sent to the Township regarding same the prior week. He then shared his rationale for this request and his concerns about the present situation. The Commissioners and Mr. Yingst discussed the Township's financial projections to year-end in light of the COVID-19 pandemic emergency. In response to Mr. Rudd's correspondence, Mr. Perrotto noted that the demolition of the property at 100 North Weaber Street was necessary because it was a public safety issue and the funding of the Annville Free Library and the Fire Department were necessary for the continued viability of these institutions. **MOTION** by Mr. Perrotto, second by Mr. Hoover to approve the proposal from the Township Engineer, Spotts, Stevens and McCoy, for the Jones and Maple Streets stormwater evaluation at an estimated cost of \$18,600 and to authorize its execution by the appropriate Township officials. Motion carried unanimously.

Sewer Bills: Mr. Wolfe was recognized for comment and he asked when the sewer bills would be due. Mr. Yingst indicated that late penalties would be resumed for October 2020 bills and thereafter, and reminder letters would be sent to those ratepayers with high balances later in the month.

Mr. and Ms. Rudd left the meeting at 7:12 PM.

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

REPORTS OF STANDING COMMITTEES:

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

Agreement for Disposal of Biosolids on Amerigreen Fields: At the recommendation of the Township Authority, **MOTION** by Mr. Perrotto, second by Mr. Lively to (1) approve the agreement with Amerigreen, Inc. for the disposal of Class B biosolids onto its designated fields for \$26 per wet ton in 2021 with Public Works staff transporting the biosolids to the fields and (2) the execution of this agreement by the Township Public Works Superintendent. The motion was then opened for discussion. Mr. Hoover asked if Amerigreen was providing this service presently to the Township and Mr. Yingst confirmed this. With no further questions or comments noted the motion was voted upon and carried unanimously.

Public Safety: The Police Statistical Report for August 2020 was reviewed, which included information on 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 item was then addressed:

Trick-or-Treating: The date and times the Lebanon County Chiefs of Police set for countywide trick-or-treating were shared, and it was noted they were suggesting each municipality determine if they wished to hold trick-or-treating in 2020 in light of the COVID-19 pandemic. President Moore asked the Chief for his thoughts and the latter responded that he was hesitant to recommend cancelling it since trick-or-treating was an outdoor activity with masks. President Moore concurred, noting participation was voluntary and anyone who was uncomfortable with the activity was not obligated to participate. Mr. Perrotto noted the Centers for Disease Control would shortly be issuing guidance on trick-or-treating in light of the COVID-19 pandemic and suggested that any formal action by the Board be deferred until next month and the other Commissioners concurred with revisiting this issue in October.

Property: The following items were addressed:

Resurfacing the Town Hall Parking Lot: Mr. Yingst reported that Pennsy Supply's bid for resurfacing the Town Hall parking lot was unable to be separated from the other items on that document for which quotes had been provided and, as such, was not the low bid. He further reported that correspondence had been sent to Hoffer Paving Inc. the prior month awarding them this project at the low bid of \$11,200. **MOTION** by Mr. Lively, second by Mr. Hoover to (1) rescind the awarding of the contract to Pennsy Supply for resurfacing the Town Hall parking lot and (2) ratify the awarding of the contract to Hoffer Paving Inc. for same at an estimated cost of \$11,200. Motion carried unanimously.

Retaining Wall Replacement at Northside of Town Hall Parking Lot: Mr. Yingst reported the Public Works Superintendent sought quotes from eight firms for the replacement of the retaining wall at the northside of the Town Hall parking lot, and Kresge Excavating provided the low quote of \$7,200 for a stamped block with capping. Mr. Yingst further reported that he shared this cost with the adjacent property owner and was waiting to hear back from him if the price and product were suitable. The Commissioners then discussed this in detail, with Mr. Wolfe also providing some information on quotes he had sought for similar materials at one of his properties. In response to a question from Mr. Hoover, Mr. Yingst indicated that the Public Works Department was not comfortable with doing the work for such a project. In response to a question from Mr. Perrotto, Mr. Yingst indicated that any such work should be done in conjunction with the paving of the Town Hall parking lot. While the Commissioners expressed surprise at the amount of the

quote, they indicated their support for continuing for move forward with this project, but without the Public Works Department performing the work, if the property owner to the north was supportive of the type of materials and splitting the cost.

Town Hall Window Replacement Project: It was reported the contractor for the Town Hall window replacement project was targeting the week of September 14, 2020 for the project's start.

Parks & Recreation: Nothing to report this month.

Finance: Mr. Embich reviewed the Financial Report for August 2020, highlighting the total income and expenses through the eighth month of 2020 and referencing the analysis provided by Mr. Yingst of balance sheet and income statement items that might be impacted by the COVID-19 pandemic emergency. A copy of the report is attached hereto and made a part of these minutes.

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

Annville Activities: Mr. Perrotto reported the 2020 Pumpkin Walk in Quittie Creek Nature Park was cancelled by the Friends of Old Annville's Park Committee due to the COVID-19 pandemic emergency.

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 August 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 filed by the Annville Township Police Officers Association (ATPOA).

Planning Commission (PC): The following items were addressed:

Stone Hill Village Phase 3B-1 Plan Reapproval: Noting a request for same had been received from Eugene Martin of Stone Hill Village, **MOTION** by Mr. Perrotto, second by Mr. Embich to extend approval for the final land development plan for Phase 3B-1 of Stone Hill Village by an additional 90 days by reapproving said plan contingent upon all items in the Township Engineer's review letter being satisfactorily addressed and obtaining the necessary signatures. Motion carried unanimously.

Financial Security for the Lebanon Valley College (LVC) Arnold Fitness Center Locker Room Expansion Project: Mr. Yingst reported a financial security tabulation for the LVC Arnold Fitness Center Locker Room Expansion project had been prepared by the Township Engineer in the amount of \$25,586 and provided to the Commissioners. At the recommendation of the Township Engineer, **MOTION** by Mr. Hoover, second by Mr. Lively to set the amount of financial security

for the LVC Arnold Fitness Center Locker Room Expansion project at \$25,586. Motion carried unanimously.

Stormwater Management Operations and Maintenance Agreement and Declaration of Easement for the LVC Arnold Fitness Center Locker Room Expansion Project: At the recommendation of the Township Solicitor, **MOTION** by Mr. Perrotto, second by Mr. Lively to approve the Stormwater Management Operations and Maintenance Agreement and Declaration of Easement for the LVC Arnold Fitness Center Locker Room Expansion project contingent upon its satisfactory review by the Township Engineer and Township Solicitor and to authorize its execution by the appropriate Township officials. Motion carried unanimously.

Greenspace: Mr. Embich shared a concern raised by a resident about the loss of greenspace at a college owned property on North Railroad Street that the Zoning Hearing Board (ZHB) granted a variance to the prior year. Mr. Perrotto noted this property did not come before the PC due to the nature of the work, but questions of lot coverage and requests for relief were matters the PC frequently weighed in on as part of its review process for submitted plans. In response to question about whether this concern should be passed along to the ZHB, Mr. Lamoureux indicated he did not believe so.

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

Signage at 104 West Main Street and Shingle Replacement at 202 West Main Street: At the recommendation of HARB, **MOTION** by Mr. Embich, second by President Moore to (1) issue a Certificate of Appropriateness for a roof-mounted, single-sided, externally lit sign and a bracket-mounted, two-sided sign to be mounted to the east side of the existing canopy end wall as proposed for Swatara Coffee Company at 104 West Main Street provided such signage meets necessary zoning requirements and (2) issue a Certificate of Appropriateness for a solar shingle replacement as proposed for the property at 202 West Main Street in place of previously approved architectural asphalt shingles. Motion carried unanimously.

Wage & Salary: Nothing to report this month.

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

Fire Department: Mr. Lively reviewed the August 2020 Fire Chief's Report for the Union Hose Company (UHC). The following item was then addressed:

Release of Second Half of 2020 Donation to Fire Department: Noting the UHC had provided its 2019 Federal Form 990 and audited 2019 financial statements to the Township the prior month, **MOTION** by Mr. Lively, second by Mr. Perrotto to authorize the release of \$36,500, which is the

remaining half of the Township's budgeted 2020 donation, to the UHC. Motion carried unanimously.

MOTION by Mr. Lively, second by Mr. Perrotto 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 the Public Works Superintendent indicated that most of the flashing pedestrian signs and poles have been installed, with the remaining signs and poles to be installed before the end of the week. The Public Works Superintendent further reported the work on the curbcuts on South White Oak Street at Annville Elementary School is scheduled to start the following day and he will be installing the thermoplastic street markings the following week. Mr. Hoover noted the pole at the southwest corner of West Main and South Lancaster Streets had a box mounted on it that could cause safety problems for pedestrians due to its height and asked if the box could be turned. Mr. Yingst indicated he would reach out to the Public Works Department about this. Mr. Embich reported he had a conversation with a resident who was very pleased with the flashing signs. In regards to the earlier concern raised about greenspace, Mr. Perrotto recalled those trees that had been removed to provide adequate visibility for the signs were planned to be replanted elsewhere.

Community Development Block Grant (CDBG): Nothing to report.

Resolution No. 20200901-1 – Remote Participation in Meetings: A proposed resolution providing for Commissioners to attend public meetings of the Board of Commissioners by telephone, and providing for all Township boards, commissions, and authorities of the Township to hold public meetings through the use of videoconferencing under unusual circumstances where a physical meeting is not possible or prudent provided such public meeting is not required by law to be held in person only, was presented to the Board for its review and comment. **MOTION** by Mr. Hoover, second by President Moore to adopt Resolution 20200901-1 as presented. Motion carried unanimously and a copy of this resolution is attached hereto and made a part of these minutes.

NEW BUSINESS:

2021 Residential Rental License Fee: At the recommendation of Mr. Yingst, **MOTION** by Mr. Perrotto, second by Mr. Lively to (1) set the 2021 residential rental license fee at \$15 per rental unit if received or postmarked by the December 31, 2020 deadline and (2) set the 2021 residential rental license fee at \$25 per rental unit for renewal rental licenses if received or postmarked after the December 31, 2020 deadline and for new rental licenses if received or postmarked more than ten days after the issuance of the initial notification letter. Motion carried unanimously.

2021 Minimum Municipal Obligation (MMO) Certifications for Pension Plans: The Board reviewed the MMO certifications for the two Township pension plans for 2021 in accordance with Act 205 requirements. **MOTION** by Mr. Hoover, second by Mr. Lively to approve the MMO certifications for the police pension plan and the non-uniformed employees' pension plan as

presented. Motion carried unanimously and copies of the MMO certifications are attached hereto and made a part of these minutes.

Authorize Budget Meeting: MOTION by Mr. Lively, second by Mr. Perrotto to authorize the advertisement of a Special Meeting on October 14, 2020 at 6 PM to prepare the 2021 budget and to consider any other business that might come before the Board. Motion carried unanimously.

Renewal of Law Enforcement Errors and Omissions Liability Insurance: Mr. Yingst reported a renewal proposal was received for the Township's law enforcement errors and omissions liability insurance at an annual cost of \$13,206.04. He noted this represented a 4% increase from the previous year. MOTION by Mr. Embich, second by Mr. Lively to approve the renewal of the Township's law enforcement errors and omissions liability insurance with Cincinnati Specialty Underwriters Insurance Company at an annual cost of \$13,206.04 for September 15, 2020 through September 15, 2021. Motion carried unanimously.

Termination of Seasonal Part-Time Custodian: MOTION by Mr. Embich, second by Mr. Lively to terminate the employment of Aiden Ward as a seasonal part-time Custodian at Town Hall effective August 21, 2020. Motion carried unanimously.

Letter of Support Request: President Moore and Mr. Yingst reported on a meeting they participated in earlier in the day with the new LVC President and his staff. It was noted the college was planning to develop a nursing program and had requested a letter of support for grant funding to mitigate the costs for building a facility to house the program. Mr. Perrotto asked if the college had concerns about building a physical structure in light of the recent increase in remote learning. President Moore indicated LVC was planning to open such a facility in 2022 and it was believed the impacts of the COVID-19 pandemic would have ceased by then. He also shared the rationale for why LVC desired to begin a nursing program, in particular citing the increased need for nurses and the lack of opportunities in the surrounding community for obtaining a four-year nursing degree. In response to a question from Mr. Lively, President Moore indicated the college had looked into modifying existing facilities to house the nursing program and it determined a new building was the best option. Noting the nursing facility was planned to be located to the east of the existing building that housed the physical therapy program, Mr. Hoover asked if that was the best place for it. President Moore indicated he believed that would be evaluated during the plan submission process. MOTION by Mr. Lively, second by Mr. Hoover to authorize the issuance of a letter of support for LVC's application for \$4,000,000 in Redevelopment Assistance Capital Program funds to help support construction of a nursing facility at an estimated total cost of \$12,160,000. Motion carried unanimously.

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

Thanks from the Annville Free Library (AFL) and the Quittapahilla Watershed Association (QWA): It was reported letters of thanks were received from the AFL and the QWA for the Township's annual 2020 donations to these entities.

Lebanon County Agricultural Land Preservation Board (LCALPB) Appeal for 2021: Mr. Yingst reported an appeal letter was received from the LCALPB for 2021. **MOTION** by President Moore, second by Mr. Lively to pledge \$100 to the LCALPB in 2021 and to direct the Township Office to return the pledge card to the LCALPB notifying them of this. Motion carried unanimously.

PAY BILLS: **MOTION** by Mr. Hoover, 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 8:04 PM. The Regular Meeting was reconvened at 9:12 PM with the five Commissioners, Mr. Yingst, Chief Dugan, and Mr. Lamoureux present.

ATPOA Grievance: **MOTION** by Mr. Lively, second by Mr. Hoover to deny the grievance appeal from the ATPOA dated August 29, 2020 and pertaining to the August 20, 2020 grievance regarding overtime that was denied by the Chief of Police. Motion carried unanimously.

ADJOURNMENT: There being no further business to come before the Board, **MOTION** by Mr. Lively, second by Mr. Embich to adjourn the Regular Meeting. Motion carried unanimously and the meeting was adjourned at 9:17 PM.

Rex A. Moore, President

Nicholas T. Yingst, Secretary