

**DRAFT MINUTES OF THE ANNVILLE TOWNSHIP
BOARD OF COMMISSIONERS
September 7, 2021**

The September Regular Monthly Meeting of the Annville Township Board of Commissioners was held starting at 7:00 PM on September 7, 2021 in the Commissioners' Room of Annville Town Hall, 36 North Lancaster Street, Annville, PA with the following members present: Rex A. Moore, President (via telephone); Henri B. Lively, Vice President; Thomas R. Embich, Treasurer; 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; Carissa Eby and Dustin Ferrillo, South King Street; John Wentling and Dean Wolfe, West Main Street; Bobbie Ginder, West Water Street; Vito Mannino and Heather Monk, Woodside Court; Michael Schroeder, Quittie Park Committee of Friends of Old Annville; and Heather Eggert, Esq., Henry & Beaver.

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. He then yielded the chair of the meeting to Vice President Lively.

APPROVAL OF AGENDA: MOTION by Mr. Embich, second by Mr. Perrotto to approve the agenda as amended by adding "Termination of Part-Time Police Officer" to the agenda as an item for possible action due to a resignation letter having been received from a police officer following the posting of the agenda. Motion carried unanimously.

RECOGNITION OF VISITORS AND OPPORTUNITY FOR PUBLIC COMMENT: Vice President Lively provided an opportunity for public comment and the following comments were noted:

Parks & Recreation Commissioner Request: Mr. Schroeder was recognized for public comment and shared a request from the Quittie Park Committee of the Friends of Old Annville that Mr. Perrotto be appointed as the Commissioner for Parks & Recreation. He noted the current Commissioner holding this assignment, Nevin Hoover, was unable to attend meetings of the Park Committee due to scheduling conflicts. He further noted Mr. Perrotto indicated he would be willing to serve in this role if Mr. Hoover was agreeable to this and if the latter was also willing to assume the former's current assignment for Annville Activities. Vice President Lively thanked Mr. Schroeder and it was agreed to discuss this at a future meeting when Mr. Hoover was present.

Proposed Resolution – Intermunicipal Transfer of Liquor License: Noting a Public Hearing had been held earlier in the evening regarding the request for an intermunicipal transfer of a liquor license by Mannino's A&M, LLC, Vice President Lively canvassed the Commissioners to see if they wished to consider taking action on the proposed resolution for same at this time. Mr. Perrotto indicated he thought the presentation by the applicant was good and he was happy for the possibility of a new business in the Township, but suggested he first get the input of officials from Lebanon Valley College (LVC), with whom he was scheduled to meet later in the week. Mr. Embich indicated he would like to hold off on considering the resolution until after the Historic Architectural Review Board (HARB) had the opportunity to review the application for the proposed exterior changes to the property. It was noted the Board had 45 days to act on the request, and when the applicant was asked if it would be a hardship to wait until the October meeting to consider taking action on the resolution, Mr. Mannino responded he did not think that would be a

problem. Vice President Lively then thanked Mr. Mannino for his presentation during the Public Hearing and Ms. Eggert, Mr. Mannino, and Ms. Monk left the meeting at 7:03 PM.

APPROVAL OF MINUTES: MOTION by Mr. Embich, second by Mr. Perrotto to approve the minutes of the Regular Meeting held August 3, 2021 as presented. Motion carried unanimously.

REPORTS OF STANDING COMMITTEES:

Public Works: The Public Works Report for August 2021 was reviewed, a copy of which is attached hereto and made a part of these minutes. The following items were then addressed:

Purchase of Asphalt Planer: Per review of the report, it was noted the Public Works Superintendent was requesting the purchase of an asphalt planer. Per inquiries from the Commissioners, Mr. Yingst described how such equipment operated and the budgetary rationale for the request. **MOTION** by Mr. Perrotto, second by Mr. Embich to authorize the purchase of a new CONEQTEC AP450 planer for \$18,872.13 from Groff Tractor & Equipment, Inc. via COSTARS contract using Liquid Fuels funds. Motion carried unanimously.

Resolution No. 20210907-1 – Authorizing an Intergovernmental Agreement to Provide Street Sweeping Services: Mr. Yingst presented proposed Resolution No. 20210907-1, authorizing the Township to enter into an intergovernmental agreement with the Cleona Borough Authority to provide street sweeping services within Cleona, the agreement comprising Exhibit “A” of said resolution. **MOTION** by Mr. Embich, second by Vice President Lively to (1) adopt Resolution No. 20210907-1 as presented, which authorizes entering into an intergovernmental agreement with the Cleona Borough Authority to provide street sweeping services within Cleona, (2) approve said intergovernmental agreement, and (3) authorize the execution of the resolution and agreement by the appropriate Township officials. Motion carried unanimously and a copy of this resolution is attached hereto and made a part of these minutes.

Agreement for Disposal of Biosolids on Amerigreen Fields: At the recommendation of the Township Authority, **MOTION** by Vice President Lively, second by Mr. Perrotto 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 2022 with Public Works staff transporting the biosolids to the fields and (2) ratify the execution of this agreement by the Township Public Works Superintendent. The motion was then opened for discussion and per a question from Mr. Embich, Mr. Yingst provided information on the percentage of solids comprising the applied biosolids and how said calculation was determined. With no further comments or questions noted, the motion was voted on and carried unanimously.

Public Safety: The Police Statistical Report for August 2021 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 items were then addressed:

Termination of Part-Time Police Officer: Noting a letter of resignation was received from John Maldonado, **MOTION** by Mr. Embich, second by Mr. Perrotto to accept the resignation of John

Maldonado, thus terminating his employment as a part-time Civil Service police officer effective September 4, 2021. Motion carried unanimously.

Setting Dates and Times for Trick-or-Treating: Chief Dugan shared the dates and times the Lebanon County Chiefs of Police set for countywide trick-or-treating, and he recommended Annville Township follow same. **MOTION** by Mr. Perrotto, second by Mr. Embich to authorize trick-or-treating in Annville Township on October 28, 2021 from 6:00 PM to 8:00 PM, with a rain date for those times on November 1, 2021. Motion carried unanimously.

Property: The following item was addressed:

Town Hall Furnace Replacement Project: Mr. Yingst reported the new furnace was installed at Town Hall the prior month and he also applied to UGI for a \$1,200 rebate for which the project appeared to be eligible.

Parks & Recreation: The following item was addressed:

Pumpkin Walk Approval: At the request of the Quittie Park Committee, **MOTION** by Mr. Perrotto, second by Vice President Lively to (1) approve the use of Quittie Creek Nature Park on October 29, 2021 as the site of the Pumpkin Walk from 7:00 PM to 9:00 PM and (2) authorize Public Works staff to deliver stored Pumpkin Walk materials (luminaries and some Pumpkin Gate elements) to the Swingholm Bridge parking area by 12 Noon on October 29, 2021 and retrieve and store the same on the following day. Motion carried unanimously.

Finance: Mr. Embich reviewed the Finance Report for August 2021, highlighting the total income and expenses through the eighth month of the year. A copy of the report is attached hereto and made a part of these minutes.

Permits: The Permits Report for August 2021 was reviewed, a copy of which is attached hereto and made a part of these minutes.

Annville Activities: The following item was addressed:

Historic Old Annville Day (HOAD): Mr. Schroeder reported on a successful, incident-free HOAD that was held the prior month and extended his appreciation to various Township officials who assisted with addressing last minute, unexpected traffic control issues.

MOTION by Mr. Perrotto, second by Vice President 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.

Planning Commission (PC): Mr. Perrotto reported the PC met on August 9, 2021 and the draft minutes from that meeting were distributed to the Township Commissioners. The following items were then addressed:

LVC School of Nursing Building Preliminary/Final Land Development Plan Review and Approval Extension: Noting a letter was received from LVC's consultant, on behalf of LVC, granting an extension to the Township's review and approval period for the School of Nursing Building land development plan it submitted, **MOTION** by Mr. Perrotto, second by Mr. Embich to accept and approve the extension for the review and approval period for the preliminary/final land development plan submitted for the LVC School of Nursing Building, granting the Board of Commissioners until its December 7, 2021 meeting to make a decision on the plan. Motion carried unanimously.

Annville Free Library (AFL) Preliminary/Final Subdivision and Land Development Plan Review and Approval Extension: Noting a letter was received from the AFL granting an extension to the Township's review and approval period for the preliminary/final subdivision and land development plan it submitted, **MOTION** by Mr. Perrotto, second by Mr. Embich to accept and approve the extension for the review and approval period for the preliminary/final subdivision and land development plan submitted for the AFL by 60 days, granting the Board of Commissioners until December 9, 2021 to make a decision on the plan. Motion carried unanimously.

LVC School of Nursing Building Preliminary/Final Land Development Plan Requests for Relief: At the recommendation of the PC, **MOTION** by Mr. Perrotto, second by Mr. Embich to grant the following waivers from Chapter 22 and Chapter 23 of the Annville Township Code of Ordinances for the LVC School of Nursing preliminary/final land development plan:

- (1) Section 22-305, allowing for submission of a preliminary/final plan;
- (2) Sections 22-403.1 and 22-404.1, allowing for the use of a plan size other than 18 by 24 inches;
- (3) Section 22-404.1, allowing for plans to be drawn at a scale of 1-inch equals 60 feet for the existing conditions and a scale of 1-inch equals 30 feet for other proposed plans;
- (4) Section 22-510.1, not requiring curbing along Heisey Road, consistent with the current roadway conditions;
- (5) Section 23-314.1.D.3, allowing a stormwater basin bottom slope of 0% in accordance with the Pennsylvania Department of Environmental Protection's (DEP) Managed Release Concept; and
- (6) Section 23-314.3.B, allowing for 12-inch diameter ADS piping with slope anchors in lieu of 15-inch piping provided the cleanouts be replaced with inlets.

The motion was opened for discussion and, per a question from Vice President Lively regarding waiver request (6), Mr. Perrotto reported the Township Engineer was supportive of this waiver being granted. With no further comments or questions noted, the motion was voted on and carried unanimously.

AFL Preliminary/Final Subdivision and Land Development Plan Requests for Relief: At the recommendation of the PC, **MOTION** by Mr. Perrotto, second by Vice President Lively to grant the following waivers from Chapter 22 of the Annville Township Code of Ordinances for the AFL preliminary/final subdivision and land development plan:

- (1) Section 22-305, allowing for submission of a preliminary/final plan;
- (2) Sections 22-403.1 and 22-404.1, allowing for the use of a plan size other than 18 by 24 inches; and
- (3) Sections 22-510 and 22-511, not requiring curbs or sidewalks along East Cumberland Street.

Motion carried unanimously.

HARB: Mr. Embich reported the HARB meeting for August 2021 was cancelled.

Wage & Salary: Mr. Yingst reported the Wage & Salary Committee met on August 24, 2021 and the minutes from that meeting were presented, a copy of which is attached hereto and made a part of these minutes. These minutes were reviewed by the Board and the following items were then addressed:

Replacement of Employee's Birthday Holiday with Personal Day: At the recommendation of the Wage & Salary Committee, **MOTION** by Mr. Perrotto, second by Mr. Embich to (1) eliminate the Birthday Holiday and replace this with a second Personal Day for all full-time employees not covered by a collective bargaining agreement (CBA) effective January 1, 2022 and (2) revise the employee handbook accordingly. Motion carried unanimously.

Clarification of Deadline for Using Vacation Time: At the recommendation of the Wage & Salary Committee, **MOTION** by Mr. Embich, second by Vice President Lively to (1) clarify that the deadline for an employee to use earned vacation time before losing same if the balance exceeds 15 vacation days is the final day of the month in which the employee's anniversary date falls retroactive to January 1, 2021 and (2) revise the employee handbook accordingly. Motion carried unanimously.

Non-Uniformed Employee Performance Evaluations: Noting the Wage & Salary Committee approved the satisfactory employee performance evaluations for Cheryl Fischer, Karen Gerhart, and Nicholas Yingst of the Administrative Department; Michelle Enterline and James Grumbine of the Police Department; and Keith Heck, Christopher Koehler, Gary Kosh, Leslie Powell, Jason Shaak, and Joseph Viozzi of the Public Works Department, **MOTION** by Mr. Embich, second by Mr. Perrotto to concur with the Wage & Salary Committee's satisfactory employee performance reviews for the abovementioned employees. Motion carried unanimously.

Municipal Separate Storm Sewer System (MS4): Mr. Embich reported on various MS4 matters. He noted the Lebanon County Stormwater Consortium (LCSC) held its annual meeting the prior month and shared an update on the investment limitations for LCSC funds as the Consortium had been created by an intergovernmental cooperation agreement. He also interacted with Mr. Wolfe on the contributions the Township had made thus far to the LCSC and how the Consortium's proposed projects upstream on the Quittapahilla Creek would provide benefits to a downstream community like Annville. Per a question from Mr. Perrotto, Mr. Yingst indicated he did not believe the LCSC intergovernmental agreement would be permit the Township to hold and earmark its annual contribution to the Consortium for the purposes of earning a higher rate of investment return.

Peg Califano, Mantis Innovation, arrived at the meeting at 7:33 PM.

Greater Lebanon Refuse Authority (GLRA): Mr. Embich briefly discussed the GLRA expansion project and reported on its recent satisfactory inspection by DEP.

Fire Department: Mr. Lively reviewed the August 2021 Fire Chief's Report and Monthly Statistical Report for the Union Hose Company (UHC), in particular noting the former's mention of further cooperation between the UHC and the Cleona Fire Company and their recent votes to merge into the framework of the UHC doing business as the Annville-Cleona Fire Department.

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

NEW BUSINESS:

Electricity Supply Contract for 2023 through 2026: With the consent of his colleagues, Vice President Lively deviated from the agenda to ask Mr. Yingst to introduce Ms. Califano. Mr. Yingst did so, reporting that Mantis Innovation, serving as the energy broker for the Township, received quotes from several electricity suppliers for when the Township's current electricity supply contract ends in mid-2023. Ms. Califano then shared a presentation on current market conditions and volatility as well as the quotes received and her recommendations regarding same. Namely, she recommended the Township enter into a contract with Constellation Energy, due to the quotes it submitted and its contract language providing better price security than those of other suppliers. Per a question from Vice President Lively, Ms. Califano indicated the Township's current contract with Constellation Energy for electricity supply began in 2019. Per a question from Mr. Lamoureux, Ms. Califano indicated that due to market volatility the quotes she provided would only be good through the next day. Per a question from Mr. Embich, Ms. Califano expressed her belief that Constellation Energy was an electricity generator. At the request of Mr. Perrotto, Ms. Califano worked through calculations regarding the estimated marginal cost difference under a contract with Constellation Energy at the quoted rates versus what the Township was paying at present for electricity supply. Per a question from Mr. Embich, Ms. Califano indicated that block purchasing by multiple municipalities for energy supply was possible, but often the challenge was contracts for those municipalities expiring at different times and the likelihood of then incurring significant early termination costs. Per a question from Mr. Lamoureux, Ms. Califano indicated that Mantis Innovation's corporate counsel reviewed all contracts. With no further comments or questions noted, **MOTION** by Mr. Perrotto, second by Mr. Embich to approve a contract through Mantis Innovation with Constellation Energy for electricity supply at a fixed rate of \$0.05861 for a 42 month period beginning in 2023. Motion carried unanimously and Ms. Califano thanked the Board for its time and left the meeting at 8:10 PM.

OLD BUSINESS:

Community Development Block Grant (CDBG): Mr. Yingst reported the notice to proceed for the West Church Street curb ramp upgrade project was currently expected to be issued on September 20, 2021 with construction to begin later that week.

Cable Franchise Renewal: Mr. Yingst reported he reviewed final edits to the proposed cable franchise renewal agreement with Attorney Winston from the Cohen Law Group and the latter would shortly begin negotiations with Comcast on this.

Welcome Sign: Mr. Yingst reported that he and Mr. Hoover had some initial conversations about possible locations for a welcome sign and the likely necessary steps for the project. Per a question from Mr. Schroeder, Mr. Yingst provided a brief review on the evolution of this idea and Mr. Schroeder then left the meeting at 8:10 PM.

LVC Financial Contribution Agreement: Mr. Perrotto reported the draft financial contribution agreement had been submitted to LVC for its review and comment the prior month. He also reported that he, President Moore, Mr. Yingst, LVC President James MacLaren, and LVC Vice President of Finance and Administration Shawn Curtin would be holding their quarterly meeting later in the week.

Hazard Mitigation Grant Program (HMGP) Property Leases: Noting that HMGP property lease applications had been received from and for the following, **MOTION** by Vice President Lively, second by Mr. Embich to authorize entering into the following HMGP property lease agreements, effective January 1, 2022, and contingent upon receiving from the lessees satisfactory proof they meet the insurance requirements of the lease agreement:

- (1) Fieldon and Sara Daubert for 106 South Weaber Street;
- (2) Diane Carroll for 1054 Willow Drive;
- (3) Matt Clements for 136 South King Street Rear; and
- (4) Craig Good for 315 and 351 South Lancaster Street.

Motion carried unanimously.

Connected Together Annville: Nothing to report this month.

Ordinance No. 678 - 2021 Omnibus: Mr. Yingst presented proposed Ordinance No. 678, amending Section 15-402 (Parking Prohibited at All Times in Certain Locations) and Section 15-411 (Handicapped Parking) of the Township Code of Ordinances. It was noted the proposed ordinance was properly advertised and could be considered for adoption. **MOTION** by Mr. Perrotto, second by Vice President Lively to adopt Ordinance No. 678, the 2021 omnibus ordinance, as presented. Motion carried unanimously and a copy of this ordinance is attached hereto and made a part of these minutes.

NEW BUSINESS (CONTINUED):

2022 Residential Rental License Fee: At the recommendation of Mr. Yingst, **MOTION** by Mr. Perrotto, second by Vice President Lively to (1) set the 2022 residential rental license fee at \$15 per rental unit for renewal rental licenses if received or postmarked by the December 31, 2021 deadline and for new rental licenses if received or postmarked within ten days after the issuance of the initial notification letter and (2) set the 2022 residential rental license fee at \$25 per rental unit for renewal rental licenses if received or postmarked after the December 31, 2021 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.

2022 Minimum Municipal Obligation (MMO) Certifications for Pension Plans: The Board reviewed the MMO certifications for the two Township pension plans for 2022 in accordance with Act 205 requirements. **MOTION** by Vice President Lively, second by Mr. Embich 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. Perrotto, second by Vice President Lively to authorize the advertisement of a Special Meeting on October 13, 2021 at 6 PM to prepare the 2022 budget and to consider any other business that might come before the Board. Motion carried unanimously.

Proposal to Revise Wireless Facilities Regulations: Mr. Yingst provided a proposal to the Commissioners from Cohen Law Group for revising the Township's wireless facilities regulations. He indicated Cohen Law Group was recommending changes due to (1) the expansion of 5G and (2) recent changes and clarifications in State and Federal law that require municipalities to take certain steps in order to have the ability to regulate the addition of wireless facilities. He noted the proposal was through the Township's membership in the Capital Region Council of Governments (CapCOG), further noting the costs for Cohen Law Group's services would be lower based on the number of other CapCOG members that participated. He also noted this issue was first brought to his attention by Mr. Perrotto, who then shared reports of concerns in other municipalities concerning the installation of 5G poles in rights-of-way. The Commissioners discussed the proposal at length and the possible benefits and challenges of revising the Township's present regulations and the ever-changing wireless environment. **MOTION** by Mr. Perrotto, second by Vice President Lively to approve the Cohen Law Group proposal for revising the Township's wireless facilities regulations, through its membership in CapCOG, to at a cost not to exceed \$6,000. Motion carried unanimously.

Lebanon County Agricultural Land Preservation Board (LCALPB) Appeal for 2022: Mr. Yingst reported an appeal letter was received from the LCALPB for 2022. **MOTION** by Mr. Moore, second by Mr. Embich to pledge \$100 to the LCALPB in 2022 and to direct the Township Office to return the pledge card to the LCALPB notifying it of this. Motion carried unanimously.

Purchase of Laptop and Desktop Computers: At the recommendation of Mr. Yingst, noting that \$5,000 had been budgeted for this expense in 2021, and per review of a proposal for same, **MOTION** by Mr. Embich, second by Mr. Perrotto to authorize the purchase of a new desktop computer for the Public Works Department and a new laptop with wireless keyboard and mouse and two new desktop computers for the Township Office at an estimated cost of \$7,554.38. Motion carried unanimously.

CORRESPONDENCE: Nothing to report this month.

PAY BILLS: **MOTION** by Mr. Perrotto, 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: Vice President Lively called a recess for an Executive Session and the room was cleared of the public at 8:32 PM. The Regular Meeting was reconvened at 8:55 PM with the four Commissioners, Mr. Yingst, Chief Dugan, and Mr. Lamoureux in attendance.

ADJOURNMENT: There being no further business to come before the Board, **MOTION** by Mr. Perrotto, second by Mr. Moore to adjourn the Regular Meeting. Motion carried unanimously and the meeting was adjourned at 8:56 PM.

Rex A. Moore, President

Nicholas T. Yingst, Secretary