

**MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS**

May 12, 2015

MEETING

The Manchester Township Board of Supervisors held its regularly scheduled and duly advertised meeting in the public meeting room of the Manchester Township Municipal Services Complex, 3200 Farmtrail Road, York, Pennsylvania, 17406 on Tuesday, May 12, 2015, which was called to order at 7:00 p.m. by Chairperson Wingert.

PARTIES PRESENT

Lisa D. Wingert, Chairperson	Timothy R. James, Manager/Secretary
Delmar L. Hauck, Vice-Chairperson	Stewart S. Olewiler III, Zoning/Planning
David K. Brosend, Supervisor	David C. Keiter, Esq., Solicitor
Rodney K. Brandstedter, Supervisor	B.J. Treglia, P.E., C.S. Davidson, Inc.

PUBLIC COMMENT

Chairperson Wingert invited the public to ask questions or offer comments about any item on the agenda as the board considers each item. She advised that the board would recognize the public at the conclusion of agenda items for any questions or concerns about non-agenda items.

APPROVAL OF MINUTES

Mr. Brandstedter made a motion, seconded by Mr. Hauck, to approve the minutes of the April 14, 2015 meeting. Motion carried. Ayes-4 Nays-0.

UNFINISHED BUSINESS

York Area United Fire & Rescue Services Proposal

As summarized in item #2 of the manager's report, Mr. James reported that as a follow-up to the board's action at the January 11, 2011 meeting to authorize Manchester Township representatives to enter into discussions with representatives of the York Area United Fire and Rescue (YAUFR) Commission concerning any future interest that the Manchester Township Board of Supervisors may have in having Manchester Township join YAUFR as a participating municipality, on November 17, 2011 Ms. Wingert and Mr. James met with YAUFR Solicitor Steve Hovis, Fire Chief Robert McCoy and YAUFR Commission Members Don Bishop and Austin Hunt to continue dialogue regarding advantages and disadvantages in a potential merger of fire services with YAUFR. Ms. Wingert and Former Supervisor Young reported that they participated in a conference call with Vijay Kapoor of Public Financial Management, Inc., who had been contracted by the YAUFR Commission to develop a financial analysis and that Mr. Kapoor provided general financial information that confirmed short and long term savings with merging with YAUFR. Mr. James reported that following Manchester Township Board of Supervisors action on January 3, 2012 to request membership consideration by the YAUFR Commission, Ms. Wingert received a January 27, 2012 letter from YAUFR Chairperson William Schenck confirming acceptance of the membership consideration request. Chief McCoy presented the board with a draft memorandum of understanding between YAUFR Commission and Manchester Township in an attempt to begin negotiations for Manchester Township to become a

charter member of YAUFR. On December 10, 2013 the board adopted a resolution that Manchester Township move forward with negotiations with the YAUFR Commission in an attempt to consolidate the fire service in the future. Chief McCoy reported that on April 15, 2014 the YAUFR Commission approved a proposed agreement be offered to Manchester Township for consideration for an immediate identity transfer from Manchester Township to YAUFR; for continued chief management services and including payroll services beginning January 1, 2015 for \$4,500 monthly (beginning in 2015). On May 13, 2014 the board authorized the chairperson or vice-chairperson to execute the YAUFR agreement that includes an identity transfer; a continuation of chief management services, including payroll transfer effective January 2015, for \$4,500 monthly through December 1, 2017. Chief McCoy reported that a meeting was held on April 14, 2015 with union representatives of both Manchester Township Department of Fire Services and YAUFR to begin discussions related to collective bargaining agreements.

York Water Company – Sewer Collection System

As summarized in item #3 of the manager's report, Mr. James reported the receipt of an April 10, 2013 letter from Jeffrey Hines, P.E., President and Chief Executive Officer of the York Water Company expressing interest in purchasing the Manchester Township sanitary sewer collection system. Mr. James reported that Mr. Hines presented the proposed concept at the April 25, 2013 Manchester Township Municipal Authority meeting of which the municipal authority recommended the board of supervisors consider that a study of the process of selling the sewer collection system be developed to provide a response to purchase request. Mr. Hauck suggested an ad hoc group be developed to study the concept in order to provide a recommendation to the board of supervisors and municipal authority. On May 14, 2013 the board of supervisors authorized an ad hoc committee be formulated to research consideration of selling the sewer collection system. Mr. James reported the ad hoc committee met on July 26, 2013 to begin the review of the proposal. Mr. Hauck reported the ad hoc committee suggested a professional valuation of the sewer system and also reported he and Mr. James met with two firms that provide a valuation service. Mr. Hauck reported that following August 13, 2013 board action; the municipal authority reviewed proposals from GHD, Bowie MD and Utility Rate Resources, Harrisburg, PA on August 22, 2013 and recommended the board consider contracting with Utility Rate Resources at a cost not to exceed \$15,000, to develop a valuation of the township sanitary sewer system. On September 10, 2013 the board of supervisors authorized contracting with Utility Rate Resources to develop a valuation of the township sewer system at a cost not to exceed \$15,000. Mr. James reported that on October 21, 2013 Utility Rate Resources had gathered data to initiate the valuation process and that the project is anticipated to be completed by the end of January, 2014. Mr. James reported Utility Rate Resources has completed the final valuation. Mr. James stated that due to the negotiation and confidentiality of the report, Solicitor Keiter suggested the report be distributed to and discussed by the board in an executive session. J.T. Hand, Vice-President of the York Water Co. at the August 12, 2014, formally presented to the board of supervisors York Water Company's interest in the purchase of the township sanitary sewer system. Mr. Hand reported on the history of the York Water Company, proposed maintenance programs, rate procedures and York Water Company's philosophy on expanding into the sanitary sewer business. On August 12, 2014 the board authorized the chairperson, vice-chairperson or appropriate member to meet with York Water Company to negotiate

a proposal for board consideration and future public feedback. Mr. Brosend stated that due to his employment obligations, he will recuse himself from any board action that may occur related to York Water Company's pursuance of the township sanitary sewer system. Mr. James reported that Supervisors Lisa Wingert and Hauck met with Mr. Hand to apprise him that the board agreed to continue negotiations at a reasonable pace. After executive session discussions related to negotiations, Mr. Brandstedter made a motion, seconded by Mr. Hauck, to authorize the township staff to seek proposals from certified accounting firms in order to generate a cost valuation analysis of a sale or non-sale of sanitary sewer system; in addition to inform the York Water Company of the interest in continuing negotiations. Motion carried. Ayes-3 Nays-0 (Brosend abstained).

Emergency Bypass Pumping – DEP

As summarized in item #4 of the manager's report, Mr. James reported that Public Works Superintendent Goodyear had collected data during the 4 inch rain event on March 30-31, 2014 that indicates more information should be gathered in the City of York Sewer Interceptor from Manholes #1 to #25 via televising and cleaning. On April 8, 2014, the board authorized seeking contracted services for televising and cleaning the interceptor line for a not-to-exceed cost of \$25,000. Mr. James reported the receipt of an April 24, 2014 Notice of Violation letter from Austin Pardoe, Water Quality Specialist with the Pennsylvania Department of Environmental Protection (DEP) regarding the bypass pumping activities for the March 30-31, 2014 rain event and requesting a corrective action plan be forwarded to DEP within 30 days. Richard Resh of C.S. Davidson, Inc. distributed a draft response to Mr. Pardoe for board review and guidance. Mr. James reported DEP provided an extension of 30 additional days for a corrective action plan response (to June 24, 2014). Mr. James reported that C.S. Davidson, Inc. prepared and distributed to the board members a June 19, 2014 response document to DEP. Engineer Treglia reviewed with the board the modified corrective action response document as requested by DEP. Mr. Hauck reported the cleaning and videoing of the interceptor line by the Manchester Township Public Works Department has recently discovered blockages created by tree roots. On September 9, 2014 the board authorized Attorney Mahoney to (1) Notify DEP that the televising of a sewer line has revealed the likely cause of the recently developed inflow and infiltration ("I&I") problem that prompted the Department to require submission of a proposed Corrective Action Plan ("CAP"), by providing a copy of the recently obtained visual evidence of a line blockage, and (2) Request that DEP reconsider its recommendations concerning revisions to the CAP as proposed by the Township, based on the apparent discovery, and imminent testing and confirmation of the cause of the intermittent hydraulic overload in the sewer conveyance line, as indicated by the sewer line televising examination. Attorney Mahoney reported that he submitted a draft Consent Order and Agreement to the board for review. Mr. James reported that Attorney Mahoney submit the draft Consent Order and Agreement to DEP in mid-December. Attorney Mahoney and Engineer Terry Myers were present to review the draft Consent Order and Agreement with the board. After discussions, the board by consensus authorized the draft Consent Order and Agreement developed by Attorney Mahoney be forwarded to DEP for consideration on February 10, 2015. Mr. James reported that Attorney Mahoney has been informed by DEP that they are not satisfied with the current status of the meter readings and have requested a technical meeting in April to possibly consider an interceptor upgrade project sooner than anticipated, but has not received

confirmation on meeting date. Mr. Mahoney updated the board of continued discussion with DEP; York City Sewer Authority and Manchester Township in executive session.

Ordinance #2015-02 - Parking Restrictions – Blackgum/Blackthorne Courts; Hayshire/Masonic Drives; Handicap Parking Area 620 Robin Hill Circle

As summarized in item #5 of the manager's report, Mr. James reported that the ELA Group, Inc. had completed parking restriction studies on Blackgum and Blackthorne Courts, as well as Masonic Drive. Traffic Engineer Mark Henise recommended No Parking signs be posted on both sides of Blackgum and Blackthorne Courts; and on the north side of Masonic Drive to create a continuous No Parking zone between North George Street and existing No Parking zone on the east side of the Homewood Suites driveway. Mr. James also reported a No Parking area on the south/west side of Hayshire Drive was included in the land development plan D-C Realty Partners, LLC (Review #2015-03). Mr. James also stated that Public Works Superintendent Goodyear completed a study for a proposed handicap spot at 620 Robin Hill Circle. Solicitor Keiter reported a proposed ordinance was advertised on May 4, 2015. Mr. Hauck made a motion, seconded by Mr. Brandstedter, to approve Ordinance #2015-02 that establishes parking restrictions on Blackgum Court (both sides – Blackbridge Road to Blackthorne Court); Blackthorne Court (both sides – entire length); Masonic Drive (north side – Rutter's Driveway to existing no parking zone); Hayshire Drive (south/west side – North George Street to Haymeadow Drive); and establishment of handicap parking spot in front of 620 Robin Hill Circle. Motion carried. Ayes-4 Nays-0.

NEW BUSINESS

MS4 Annual Report

Engineer Treglia reported that as a follow-up to the action taken at the February 11, 2003 meeting to authorize the filing of a Notice of Intent (NOI) with the Pennsylvania Department of Environmental Protection (DEP) as the first step in coming into compliance with the federal NPDES Phase II storm water conveyance system regulations, the "Municipal Separate Storm Water and Sewer System" (MS4) program regulations require that an annual report be submitted to DEP by June 9 of each year. He advised that the regulations also require that prior to the submission of the annual report, a discussion about the report be listed as an agenda item for a public meeting of the municipality. He reported that his firm, with assistance from Zoning/Planning Officer Olewiler, had been working to prepare the 2015 annual report. Mr. Treglia distributed a May 12, 2015 summary sheet that included the items that had been accomplished during the 2011-2012 reporting period. He reported that although the original NOI would have expired on March 9, 2008, DEP, in a November 2011 letter, had administratively extended the expiration of the NOI until March 15, 2013. Mr. Treglia reported the renewed general permit took effect on May 1, 2013. Mr. Treglia reviewed the six (6) point action plan contained in the NOI to be implemented within five (5) years, included the following:

- a) Public Education & Outreach – Distributed flyers, newsletter articles, public service announcements. Each quarterly newsletter since April 2003 has contained some information about the MS4 program, with a DEP-supplied information sheet having been included into the township newsletter. Additionally, on September 8, 2008, the board of supervisors approved an updated Memorandum of Understanding with the Watershed Alliance of York (WAY) to

- assist with public education. Also reported about the public works department project, using staff and volunteers, installed over 1,000 plaques that have been purchased to affix to storm water inlets and street inlets throughout the township for public education.
- b) Public Participation/Involvement – Engaged volunteer groups such as WAY to assist in monitoring the storm sewer system. Reviewed the status of Act 167 watershed studies for the branches of the Codorus Creek and Little Conewago Creek that affect Manchester Township.
 - c) Illicit Discharge Detection & Elimination – Completed the project to create a comprehensive map of the storm sewer system and establish a systematic inspection schedule. C.S. Davidson, Inc., with assistance from public works employees, identified the storm water “outfall” locations.
 - d) Construction Site Runoff Control – Require that an erosion control plan be submitted and reviewed by an appropriate agency for disturbances of areas over 5,000 square feet. This requirement has been met by the board’s September 11, 2007 approval of the updated Memo of Understanding (MOU) with the York County Conservation District.
 - e) Post Construction Runoff Control – Establish Best Management Practices (BMP) for the ongoing maintenance of storm water management facilities including the adoption of a revised storm water management ordinance. Completed a catalog of existing storm water management basins. Established a “Municipal Storm Water Maintenance Fund” to cover costs of biennial inspections of storm water management facilities by the township engineer.
 - f) Pollution Prevention/Good Housekeeping – Develop a plan for municipal properties and techniques to assure that the township, itself, is not introducing pollutants into the storm sewer systems. Discussions have been held with Public Works Superintendent Goodyear about developing the required plan.

RECOGNITION OF PUBLIC PRESENT -

In accordance with Act 93 of 1998 (Sunshine Law), Ms. Wingert recognized any members of the audience who wished to address the board.

Brian Moul, 3045 Brookfield Drive was present to express concern of conditions and activities at 3065 Brookfield Drive. Mr. Moul reported various issues that have required action by Northern York County Regional Police Department. Zoning/Planning Officer Olewiler reported that the township has been recently made of aware of the concerns and have started action accordingly. Tom Winkler, 3055 Brookfield Drive and Karen Lupfer, 3075 Brookfield Drive also expressed concern of conditions and activities of 3065 Brookfield Drive, to the board of supervisors.

MANAGER’S REPORT –

- Item #8 - Mr. James reported that on May 6, 2015 the zoning hearing board approved variances and special exceptions to permit a “Communication and Transporting and Receiving Facility” to be constructed at Cousler Park.
- Item #22 - Mr. Brandstedter made a motion, seconded by Mr. Hauck, to authorize the ratification to terminate the 2015-2017 mowing services contract with The Ground Guys due to breach of contract and authorize the chairperson or

vice-chairperson to execute an agreement for mowing services for 2015-2017 to Apex Landscaping (as second low bidder) at an annual cost of \$22,475.

Motion carried. Ayes-4 Nays-0.

EXECUTIVE SESSION (DEP C.O.& A./York Water Co. Negotiations)

Chairperson Wingert called the board for adjournment to executive session from 7:49 - 8:22 pm to discuss PA DEP Consent Order and Agreement / York Water Company – Township Sanitary Sewer offer negotiations.

OTHER BUSINESS/REPORTS

Mr. James reported that Fire Chief McCoy had submitted the April 2015 monthly report.

Mr. James reported receipt of the Northern York County Regional Police Department April 21, 2015 report.

Mr. James reported that Engineer Treglia had submitted the May 12, 2015 engineer's report.

APPROVAL OF VOUCHERS

Mr. Hauck made a motion, seconded by Mr. Brandstedter, to approve the payment of the vouchers as listed on the Treasurer's Checks Vouchers List: April 15-21; April 22-May 5; May 6-12, 2015. Motion carried. Ayes-4 Nays-0.

ADJOURNMENT

Being no further business, Mr. Hauck made a motion to adjourn the meeting at 8:26 pm.

Respectfully submitted,

Timothy R. James, Secretary

TRJ/jas