

**MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS**

October 13, 2015

PUBLIC HEARING

Heritage Industrial Park – LERTA Designation

The Manchester Township Board of Supervisors held a special 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, October 13, 2015, which was called to order at 6:45 p.m. by Chairperson Wingert, to consider Local Economic Revitalization Tax Assistance Act designation for Heritage Industrial Park, Shady Lane and Board Road.

John Luciani, First Capital Engineering, Inc. was present to describe the request for LERTA designation for Heritage Business Park on behalf of his client, Equilibrium Equities, Inc. Dennis Ness, 239 Kayla Drive, Dallastown, expressed procedural concerns relative to the hearing. Mr. Brandstedter expressed positive feedback with the potential of business growth with the LERTA designation.

With no further comments taken, Chairperson Wingert adjourned the hearing at 6:52 p.m.

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, October 13, 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	Debra K. McCune, Assistant Secretary
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. Hauck made a motion, seconded by Mr. Brosend, to approve the minutes of the September 8, 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 (YAUFRR) Commission concerning any future interest that the Manchester Township Board of Supervisors may have in having Manchester Township join YAUFRR as a participating municipality, on November 17, 2011 Ms. Wingert and Mr. James met with YAUFRR Solicitor Steve Hovis, Fire Chief Robert McCoy and YAUFRR Commission Members Don Bishop and Austin Hunt to continue dialogue regarding advantages and disadvantages in a potential merger of fire services with YAUFRR. 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 YAUFRR Commission to develop a financial analysis and that Mr. Kapoor provided general financial information that confirmed short and long term savings with merging with YAUFRR. Mr. James reported that following Manchester Township Board of Supervisors action on January 3, 2012 to request membership consideration by the YAUFRR Commission, Ms. Wingert received a January 27, 2012 letter from YAUFRR Chairperson William Schenck confirming acceptance of the membership consideration request. Chief McCoy presented the board with a draft memorandum of understanding between YAUFRR Commission and Manchester Township in an attempt to begin negotiations for Manchester Township to become a charter member of YAUFRR. On December 10, 2013 the board adopted a resolution that Manchester Township move forward with negotiations with the YAUFRR Commission in an attempt to consolidate the fire service in the future. Chief McCoy reported that on April 15, 2014 the YAUFRR Commission approved a proposed agreement be offered to Manchester Township for consideration for an immediate identity transfer from Manchester Township to YAUFRR; 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 YAUFRR 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 YAUFRR to begin discussions related to collective bargaining agreements. Mr. James reported that he, Supervisors Lisa Wingert and Brosend met with Chief McCoy, YAUFRR Solicitor Hovis, YAUFRR Commissioners Phan and Hunt on August 17, 2015 to discuss consolidation consideration. Mr. Brandstedter expressed concern with entering into an agreement with the unclear exit option. Mr. James stated the agreement terms would need to be negotiated. The board took action on September 8, 2015 to submit a letter of joinder consideration to the York Area United Fire and Rescue Commission. Chief McCoy reported that the YAUFRR Commission has directed their counsel to develop a draft charter agreement for all parties to review.

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 valuation services. 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. On April 14, 2015 the board took action to request the municipal authority review the York Water Company offer and provide the board with a recommendation on the negotiations. It was reported that the municipal authority on April 23, 2015 made a recommendation to the board to postpone negotiations of the offer by York Water Company to purchase the township sanitary sewer system until a final determination is made by the Pennsylvania Department of Environmental Protection draft Consent Order and Agreement. On May 12, 2015 the board authorized the 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. On July 14, 2015 the board took action to authorize Reinsel Kuntz Leshner CPA to complete a cost valuation analysis of the sale or non-sale of the sanitary sewer system for a fee of not to exceed \$10,000. The board has continued negotiations with York Water Company on their proposal.

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 submitted 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. On May 12, 2015 Mr. Mahoney updated the board of continued discussion with DEP; York City Sewer Authority and Manchester Township in executive session.

Floodplain Ordinance Update

As summarized in item #5 of the manager's report, Zoning/Planning Officer Olewiler reported receiving a June 16, 2015 correspondence from the Federal Emergency Management Agency (FEMA) as a follow-up to the August 14, 2014 notification related to modified flood hazard determinations affecting the Flood Insurance Rate Map (FIRM); Flood Insurance; base flood elevations; special flood hazard areas; zone designations and regulatory floodways. Mr. Olewiler also reported Leslie Rhoads, Contractor with the Floodplain Ordinance Update group that the draft ordinance submission for Manchester Township was approved and should be presented to the board of supervisors for consideration, as FEMA has notified the township that the new FIRM maps will become effective December 16, 2015. Mr. Keiter reported that the proposed updated ordinance was advertised in the York Daily Record on October 5, 2015. Mr. Brandstedter made a motion, seconded by Mr. Brosend, to adopt Ordinance #2015-04 to reflect updates to

recent changes to flood plain amendments instituted by FEMA and the Pennsylvania Department Community and Economic Development. Ayes-4 Nays-0. Motion carried.

Heritage Industrial Park – LERTA Request

As summarized in item #6 of the manager's report, John Luciani, P.E. of First Capital Engineering was present to follow-up from an August 11, 2015 board of supervisors' presentation for Equilibrium Equities, Inc., in requesting designation of Local Economic Revitalization Tax Assistance (LERTA) for Heritage Business Park, L.P., Board Road and Shady Lane. Solicitor Keiter stated if the board would want to consider granting LERTA designation request, a public hearing would need to be held. The required public hearing was held on October 13, 2015 at 6:45 pm to consider LERTA designation for properties with Heritage Business Park, L.P., Board Road and Shady Lane. Mr. Brandstedter made a motion, seconded by Mr. Brosend, to approve LERTA designation for Heritage Business, Park, L.P., Board Road and Shady Lane. Ayes-3 Nays-1 (Ms. Wingert opposed). Motion carried.

2016 Budget

As summarized in item #7 of the manager's report, Mr. James advised that he distributed a draft budget for discussion on October 13, 2015 meeting; a proposed budget to be introduced at the November 10, 2015 meeting; and, final adoption being scheduled for the December 8, 2015 meeting. He requested that the board members provide any 2016 budget parameters (e.g., levels of service; specific projects, etc.).

Mr. James advised that the 2016 draft budget shows a total budget of \$13,923,320 or an increase of \$470,040 from 2015. Mr. James reported that general fund budget total is \$10,880,940 or 2.6% increase from 2015 primarily due to the fact public safety costs increased by \$257,770 over 2015 levels. Mr. James also reported among the items that would have an impact on the 2016 General Fund budget are: a) little growth in real estate assessed value, realty transfer tax, earned income tax, local services tax, and mercantile/business privilege tax revenues combined with significant decreases in revenue from interest earnings, and uniform construction code fees because of a slowdown in residential property sales and construction; b) increased cost of public safety services including a 3.34% increase from the Northern York County Regional Police Department (NYCRPD) for the 67 units of contracted police service, and increased fire service costs because of the 2013-2015 and currently negotiated collective bargaining agreement with the Manchester Township Career Firefighters Association; c) increased workers compensation, health, property, and vehicle insurance costs; d) increased costs to maintain seven (7) parks that total 145 acres; e) fire, public works and park maintenance vehicle and equipment repairs. Mr. Brandstedter expressed concern on the NYCRPD distribution of pension aid as a smoothing factor versus actual pension costs.

Handicap Parking Area – 3317 High Street

As summarized in item #8 of the manager's report, Mr. Keiter reported the proposed ordinance was advertised in the York Daily Record on October 5, 2015. Mr. Hauck made a motion, seconded by Mr. Brosend, to adopt Ordinance #2015-05 to create a handicap parking space at 3317 High Street. Ayes-4 Nays-0. Motion carried.

CPA Appointment

As summarized in item #9 of the manager's report, Mr. Brosend made a motion, seconded by Mr. Hauck, to authorize the advertisement with the thirty (30) day public notice of the board's intent to appoint Kochenour, Earnest, Smyser & Burg, CPA to complete the 2015 township financial statements. Ayes-4 Nays-0. Motion carried. Mr. Brandstedter made a motion, seconded by Mr. Brosend, to seek a three (3) year quote from Kochenour, Earnest, Smyser & Burg, CPA for auditing services. Ayes-4 Nays-0. Motion carried.

NEW BUSINESS**York County Visitors Bureau**

Denise Henise of the York County Visitors Bureau was present to present the board with recent and future activity associated with the York County Visitor Bureau.

Appointment of Assistant Township Solicitor

As summarized in item #11 of the manager's report, Mr. Hauck made a motion, seconded by Mr. Brandstedter, to appoint Attorney Lawrence Young as assistant township solicitor until Solicitor Keiter's retirement, January 4, 2016. Ayes-4 Nays-0. Motion carried. Assistant Solicitor Young reported he agrees to serve in the role at no charge to the township.

Resolution #2015-10 – Distribution of 2015 State Municipal Pension Aid

As summarized in item #12 of the manager's report, Mr. Brandstedter made a motion, seconded by Mr. Hauck, to adopt Resolution #2015-10 to authorize the distribution of \$389,459.73 in 2015 state pension aid that was received in two (2) separate checks or direct deposits on September 30, 2015 to the respective employee pension plans. Motion carried. Ayes-4 Nays-0.

Fire Hydrant Request

As summarized in item #13 of the manager's report, Mr. Hauck made a motion, seconded by Mr. Brosend, to approve the installation of a public hydrant in the vicinity of Roundtown Elementary School. Ayes-4 Nays-0. Motion carried.

Stormwater Agreements

As summarized in item #14 of the manager's report, Mr. Brandstedter made a motion, seconded by Mr. Hauck, to authorize board chairperson or vice-chairperson to execute the following stormwater and maintenance agreement:

- a) Blaine Daugherty, for property at 74 Woodland Avenue.

In addition, to authorize the board chairperson or vice-chairperson to execute regular stormwater and maintenance agreements as needed, and only present the board stormwater and maintenance agreements outside the regular agreements.

Ayes-4 Nays-0. Motion carried.

Sale of Surplus Items

As summarized in item #15 of the manager's report, Mr. Hauck made a motion, seconded by Mr. Brosend, to authorize the following surplus items: 1988 New Holland

Leaf Loader (\$675) and 1992 New Holland Leaf Loader (\$1,250) be sold to respective high bidders through Municibid online auction. Ayes-4 Nays-0. Motion carried.

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.

Several residents from the Brittany Development were in attendance to express concerns over the stormwater runoff during heavy rain events. Those who expressed concern were: Karen Storms, 1415 Rosepointe Drive; Lisa Pate, 1413 Brittany Drive; Karen Montgomery, 1400 Brittany Drive; Robina Santaniello, 1425 Rosepointe Drive; Tom Burkett, 1370 Briargate Drive and Norm Basso, 1350 Brittany Drive. Mr. Brandstedter confirmed the feedback concerns he has received relative to the stormwater matters. Engineer Treglia reported that he and the staff have been reviewing the concerns and will attempt to develop feedback to the board in the near future. Mr. Treglia cautioned it may take some time to gather the data required and that if a fix is possible it will most likely be very costly.

Boyd Fitzgerald, 2691 Oberlin Drive, was present to express his concern with excess stormwater during heavy rains in and around his property. Mr. Fitzgerald expressed concern with inlets being blocked with debris.

Wayne Kapral, 2555 Hepplewhite Lane, expressed concern of speeding on Hepplewhite Lane, as it appears to him the area is being used as a "cut through" for vehicles from Greenbriar Road to Stillmeadow Lane. The board suggested a traffic study be conducted in the area.

Steve Barley, 527 Norman Road, was present to express his dismay with the lack of police presence and code enforcement in the Friesian and Norman Road area.

MANAGER'S REPORT

- Item #16 - Mr. Brandstedter made a motion, seconded by Mr. Hauck, to authorize township manager hire Jared Hartman for vacant laborer/operator position at a starting rate of \$14.60. Ayes-4 Nays-0. Motion carried.
- Item #17 - The board by consensus asked the staff to contact those persons who have expiring terms on boards and commissions to seek their interest in accepting another term.
- Item #19 - Mr. James reported that he and Public Works Superintendent Goodyear met with members of the Emigsville Heritage Group concerning traffic complaints in the Village of Emigsville. The board by consensus suggested the township traffic engineer review High Street traffic movements.
- Item #31 - The board by consensus, agreed to schedule both the 2016 organizational meeting and regular board meeting for January 4, 2016.

Item #34 - Mr. James reported that on October 9, 2015 that he participated in the York County Planning Commission's sponsored stormwater authority feasibility study. Mr. James reported the York County Planning Commission will be presenting the stormwater authority feasibility concept to the board in the near future.

EXECUTIVE SESSION - (York Water Company Negotiations / MTCFFA Collective Bargaining Agreement Negotiations)

Chairperson Wingert called the board for adjournment to executive session from 8:45 – 9:54 pm to discuss York Water Company – Township Sanitary Sewer offer negotiations and the ongoing Manchester Township Career Fire Fighters Association collective bargaining agreement negotiations.

OTHER BUSINESS/REPORTS

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

Mr. James reported receipt of the Northern York County Regional Police Department September 15, 2015 report.

Mr. James reported that Engineer Treglia had submitted the October 13, 2015 engineer's report.

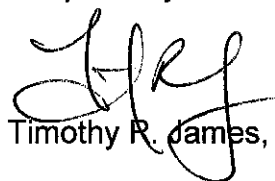
APPROVAL OF VOUCHERS

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: September 9-22; September 23-October 6; October 7-13, 2015. Motion carried. Ayes-4 Nays-0.

ADJOURNMENT

Being no further business, Mr. Hauck made a motion to adjourn the meeting at 9:55 pm.

Respectfully submitted,


Timothy R. James, Secretary

TRJ/jas