

**MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS**

November 10, 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, November 10, 2015, which was called to order at 7:00 p.m. by Chairperson Wingert.

PARTIES PRESENT

Lisa D. Wingert, Chairperson
Delmar L. Hauck, Vice-Chairperson
Kenneth D. Wingert, Supervisor
David K. Brosend, Supervisor
Rodney K. Brandstedter, Supervisor

Timothy R. James, Manager/Secretary
Debra K. McCune, Assistant Secretary
David C. Keiter, Esq., Solicitor
Lawrence V. Young, Esq., Asst. Solicitor
B.J. Treglia, P.E., C.S. Davidson, Inc.
Recreation Director Garth Ericson

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. Brandstedter, to approve the minutes of the October 13, 2015 meeting. Motion carried. Ayes-5 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 YAUFRC Commission and Manchester Township in an attempt to begin negotiations for Manchester Township to become a charter member of YAUFRC. On December 10, 2013 the board adopted a resolution that Manchester Township move forward with negotiations with the YAUFRC Commission in an attempt to consolidate the fire service in the future. Chief McCoy reported that on April 15, 2014 the YAUFRC Commission approved a proposed agreement be offered to Manchester Township for consideration for an immediate identity transfer from Manchester Township to YAUFRC; 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 YAUFRC 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 YAUFRC to begin discussions related to collective bargaining agreements. Mr. James reported that he, Supervisors Lisa Wingert and Brosend met with Chief McCoy, YAUFRC Solicitor Hovis, YAUFRC 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. Mr. James reported meeting with Attorney Hovis on November 3, 2015 to further discuss the draft joinder agreement.

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. Mr. James reported that 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. Mr. James reported that 53 house inspections required within the CAP and draft Consent Order and Agreement were completed by Code Administrators, Inc. over the weekends of October 24 and 31, 2015 with a majority of illegal connections located in developments built in the 1950-1960's.

Heritage Industrial Park – LERTA Request

As summarized in item #5 of the manager's report, John Luciani, P.E. of First Capital Engineering was present at the 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. The required public hearing was held on October 13, 2015 to consider LERTA designation for properties with Heritage Business Park, L.P., Board Road and Shady Lane. On October 13, 2015, the board took action to approve LERTA designation for Heritage Business, Park, L.P., Board Road and Shady Lane. Mr. James reported he has had no formal request for the township to consider participation in the LERTA tax assistance program to date.

2016 Budget

As summarized in item #6 of the manager's report, Mr. James advised that he distributed a proposed budget for discussion; with a final adoption being scheduled for the December 8, 2015 meeting.

Mr. James advised that the 2016 proposed 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. Hauck made a motion, seconded by Mr. Brandstedter, to authorize that the proposed 2016 budgets be placed on public display and advertised for final adoption at the December 8, 2015 meeting. Motion carried. Ayes-5 Nays-0

NEW BUSINESS

York County SPCA Agreement – 2016

As summarized in item #7 of the manager's report, Mr. Brandstedter made a motion, seconded by Mr. Brosend, to authorize chairperson or vice-chairperson to execute the "Stray Animal Housing and Disposal" agreement with the York County SPCA for 2016 for the annual fee of \$9,081. Motion carried. Ayes-5 Nays-0.

Fire Hydrant Request

As summarized in item #8 of the manager's report, Mr. Hauck made a motion, seconded by Mr. Brandstedter, to approve the installation of a public hydrant in the vicinity of 135 Mundis Race Road. Ayes-5 Nays-0. Motion carried.

Field Use Policy

As summarized in item #9 of the manager's report, Recreation Director Ericson presented the board with a recreation commission recommended field use policy in an attempt to better handle increase field use requests, hold organizations more accountable for their use and better control the type of use that occurs on fields. Mr. Ericson described a comprehensive policy and the possibility of creating a new rate structure. The board will review additional information in the near future in order to consider the policy and rate structure.

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.

Steve Schaffer, 2686 Stillmeadow Lane was present to express concern with stormwater matters with his property. Mr. Schaffer presented the board with photos and videos relative to his stormwater concerns and requested the board consider installing a storm drain at his property. Engineer Treglia reported he had met Mr. Schaffer at his property and stated that the potential installation of a storm drain would most likely aid Mr. Schaffer's concerns. The board requested Engineer Treglia provides more cost detail with the installation of a potential stormwater inlet.

MANAGER'S REPORT

Item #10 - The board by consensus agreed to proposal (pending draft lease agreement review) by Baker Acquisition to consider two separate small cell sites along Route 30 in the vicinity of York Crossings at the same

terms as small cell site in the vicinity of the CVS Pharmacy at Route 30 and North George Street.

- Item #18 - Engineer Treglia presented the board with a change order for the sanitary sewer project on Lewisberry Road completed by Shiloh Paving and Excavating, Inc. in the amount of \$73,715.73. Mr. Treglia reported the additional unforeseen work due to a line break, rock removal and construction limitations from the initial installation in the 1970's caused excess time and materials to complete the project. Mr. Treglia reported that the original change order request was \$83,715.73, but through negotiations have decreased the requested by \$10,000. After a lengthy discussion, Mr. Hauck made a motion, seconded by Mr. Wingert, to approve the change order request by Shiloh Paving and Excavating, Inc. for \$73,715.73. Ayes-4 Nays-0 (Brandstedter abstained). Motion carried.

Engineer Treglia reported that due to the rain event on October 28, 2015, data is being developed to analyze the stormwater conveyance system in the area of St. Andrews Way and Brittany Drive.

- Item #25 - Mr. Hauck made a motion, seconded by Mr. Brandstedter, to authorize the chairperson or vice-chairperson to execute a sewer transfer of one (1) EDU of Dover Township Wastewater Treatment Plant from Kinsley Equities II. L.P. to Waltersdorff, Inc., for property at 1333 Rosepointe Drive. Ayes-5 Nays-0. Motion carried.
- Item #26 - Mr. Brosend made a motion, seconded by Mr. Wingert, to authorize township manager to offer vacant public works laborer/operator position to James Christy at a starting rate of \$14.60. Ayes-5 Nays-0. Motion carried.

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

Chairperson Wingert called the board for adjournment to executive session from 8:47 – 9:40 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 October 2015 monthly report.

Mr. James reported receipt of the Northern York County Regional Police Department October 20, 2015 report.

Mr. James reported that Engineer Treglia had submitted the November 10, 2015 engineer's report.

APPROVAL OF VOUCHERS

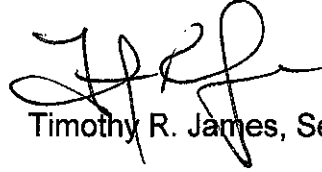
Mr. Hauck made a motion, seconded by Mr. Brandstedter, to approve the payment of the vouchers as listed on the Treasurer's Checks Vouchers List: October 14-20;

October 21-27; October 28-November 3; and November 4-10, 2015. Motion carried.
Ayes-5 Nays-0.

ADJOURNMENT

Being no further business, Mr. Hauck made a motion to adjourn the meeting at 9:41 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. James', written in a cursive style.

Timothy R. James, Secretary

TRJ/jas

