

**MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS**

March 8, 2016

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, March 8, 2016, 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
Kenneth D. Wingert, Supervisor	Lawrence V. Young, Esq., Solicitor
Rodney K. Brandstedter, Supervisor	B.J. Treglia, P.E., C.S. Davidson, Inc.
	Stewart S. Olewiler, III, Zoning/Planning

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 February 9, 2016 meeting as submitted. Ayes-4 Nays-0. Motion carried.

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 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. Supervisor Wingert reported work continues on merged agreement draft. Mr. James reported that on February 29, 2016 Chief McCoy announced his retirement effective April or May 2016.

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 stated he had nothing new to report.

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. Per DEP's CAP, continued house inspections are required of which the board by consensus authorized the developed of a second phase of 50 house inspections this spring.

Emergency Management Agency – Regional Intergovernmental Cooperative

As summarized in item #5 of the manager's report, Mr. Hauck made a motion, seconded by Mr. Brandstedter, to authorize the solicitor to advertise an ordinance for participation in the York Area Regional Emergency Management Agency with Spring Garden and Springettsbury Townships; including participation on regional emergency management agency board (two board members) with coordination of regional agency by York Area United Fire and Rescue management team. Mr. James confirmed Spring Garden and Springettsbury Township have either approved participation or advertised with approval expected by weeks end. Motion carried. Ayes-4 Nays-0.

Ordinance #2016-01 - Handicap Parking – 3249 Broad Street

As summarized in item #6 of the manager's report, Mr. Hauck made a motion, seconded by Mr. Wingert, to adopt Ordinance #2016-01 creating a handicap parking space at 3249 Broad Street. Motion carried. Ayes-4 Nays-0.

NEW BUSINESS

Berkshire Business Park - Lot 3 – Review #2015-15

David Koratich of LSC Design, was present to present a final land development plan for a seventy-eight parking space addition to an existing parking lot on a tract containing an existing industrial multi-use building located 3640 Sandhurst Drive in an industrial zoning district. Mr. Koratich explained that this plan is proposed to increase parking in anticipation of a client with a large number of employees.

Mr. Hauck made a motion, seconded by Mr. Wingert, to approve the following waivers:

- a) W1- From section 26-131K to permit storm water management facilities within a building setback.
- b) W2 – From section 26-138.C.a to permit a maximum depth of a basin greater than 6 feet deep.

Motion carried. Ayes-4 Nays-0.

Mr. Hauck made a motion, seconded by Mr. Brandstedter, to approve the final land development plan for Berkshire Business Park – Lot 3 - Review #2015-15 contingent of completion of any open items.

Motion carried. Ayes-4 Nays-0.

3625 Mia Brae, L.P. – Subdivision Plan – Review #2016-01

Mr. Hauck made a motion, seconded by Mr. Brandstedter, to table action on 3625 Mia Brae, L.P. subdivision plan – Review #2016-01. Motion carried. Ayes-4 Nays-0.

3625 Mia Brae, L.P. Lot 2 – Lower Pad Site – Land Development Plan – Review #2016-02

Mr. Hauck made a motion, seconded by Mr. Brandstedter, to table action on 3625 Mia Brae, L.P. Lot 2 – land development plan – Review #2016-02. Motion carried. Ayes-4 Nays-0.

Zoning Ordinance Text Amendment Request – Rutter Properties, L.P.

Attorney Gavin Markey representing Rutter Properties, L.P. was present to present a zoning ordinance text amendment petition request to provide an unallocated use-type in the form of a community commercial sports facility; creating specific criteria and other related regulations; and allocating the use-type as a special exception. Zoning/Planning Officer Olewiler stated that the petition text amendment request would provide a community commercial sports facility use by special exception within the Office (O) and Residential High Density (RH) zoning districts throughout the township. Attorney Markey confirmed that if the petition request would be considered, he understood the process to amend would be considered by both the township and county planning commissions before coming back to the board for approval. Mr. Hauck made a motion, seconded by Mr. Brandstedter, to authorize the petition request for further review and consideration by the township and county planning commissions; of a zoning ordinance text amendment to include community commercial sports facility as a use permitted by special exception in both the Office (O) and Residential High Density (RH) zoning districts. Motion carried. Ayes-4 Nays-0.

Stormwater Management Agreement

As summarized in item #8 of the manager's report, Mr. Hauck made a motion, seconded by Mr. Brandstedter, to authorize chairperson or vice-chairperson to execute storm water agreement for the following:

- a) York County Solid Waste and Refuse Authority for stormwater and maintenance agreement for properties relative to York County Resource Recovery Center Ash Processing Facility, 2650 Blackbridge Road.

Motion carried. Ayes-4 Nays-0.

Fire Police Authorization

As summarized in item #9 of the manager's report, Mr. Brandstedter made a motion, seconded by Mr. Wingert, to authorize the utilization of Alert Fire Company Fire Police for the following non-emergency traffic control assistance:

- a) April 26, 2016 beginning at 10:00 am until 2:00 pm at Cousler Park, 1060 Church Road, for the Manchester Township-sponsored "Spring Fling" event.
- b) August 6, 2016 beginning at 3 pm until conclusion at Cousler Park, 1060 Church Road, for the Manchester Township-sponsored "Summer Fun Festival" event.

Motion carried. Ayes-4 Nays-0.

Route 30 Signal Project

As summarized in item #10 of the manager's report, Mr. Hauck made a motion, seconded by Mr. Brandstedter, to approve Resolution #2016-07 approving the installation by PennDOT of an adaptive signal control technology system on Route 30. Motion carried. Ayes-4 Nays-0.

Wheatfield Sewer Easement

As summarized in item #11 of the manager's report, Jonathan Juffe with Tri Corner Communities, LLC was present to request permission to pave over a portion of a township sewer easement for the installation of a driveway on Lot 18 of the Wheatfield Subdivision. Mr. Hauck made a motion, seconded by Mr. Brandstedter, to conditionally approve the paving within the township's sewer easement for Wheatfield Subdivision Lot 18 upon additional language on deed restriction should include any work by the township within or outside the 20' sewer easement be at the resident owner's expense. Motion carried. Ayes-4 Nays-0.

2016 Sanitary Sewer Projects

As summarized in item #12 of the manager's report, Mr. Hauck made a motion, seconded by Mr. Brandstedter, to authorize the manager, public works superintendent, and engineer to prepare the design, specifications, bidding documents and advertisements for the following capital projects which were included in the combined sewer operating fund 2016 budget: a) sanitary sewer line replacement project on Bark Hill Road; b) sanitary sewer replacement project on Roman Court; c) sanitary sewer replacement project on Martingale Drive; d) sanitary sewer replacement project on Board Road; and e) sanitary sewer replacement on Midpine Drive. Motion carried. Ayes-4 Nays-0.

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 follow-up his request for the installation of a storm inlet in close proximity to his property. Engineer Treglia reported the estimated cost of the installation would be \$7,000-\$8,000. The board expressed concern with installing an inlet for the benefit of a single residence. Mr. Schaffer

reported he had spent \$7,000 on his property to try to remedy the storm water concerns coming from Stillmeadow Lane. The board agreed to review and consider the request.

George Studzinski, 765 Foxtail Drive, was present to express concern of speeding on Foxtail Drive in the Spring Meadows Development. Mr. James reported a speed study will be conducted in the future.

EXECUTIVE SESSION - (Real Estate – 962 Greenbriar Road/NYCRPD Agreement)

Chairperson Wingert called the board for adjournment to executive session from 8:35-9:16 pm to discuss real estate opportunity at 962 Greenbriar Road and the negotiation with the Northern York County Regional Police Department agreement.

MANAGER'S REPORT –

Item #13 - Solicitor Young requested guidance from the board on negotiation of the York City Sewer Treatment intergovernmental agreement. The board by consensus agreed to limit interest in a new intergovernmental agreement since they felt the current agreement is satisfactory.

Item #29 - Mr. James reported PennDOT will be performing maintenance and repair operations on the Church Road overpass (Route 83) during weekends in April.

Item #36- Mr. Hauck made a motion, seconded by Mr. Brandstedter, to approve Resolution #2016-08 to modify ambiguous language of Section 2.1 definition of compensation, not to include any lump sum payouts in the final year calculation of the Pennsylvania Municipal Retirement System pension plan.

Motion carried. Ayes-4 Nays-0.

OTHER BUSINESS/REPORTS

Mr. James reported that Fire Chief McCoy had submitted the February 2016 monthly report.

Mr. James reported that Engineer Treglia had submitted the March 8, 2016 engineer's report.

Mr. James reported that Northern York County Regional Police Department submitted the 2015 Annual Report.

Mr. Brandstedter made a motion, seconded by Mr. Hauck, to request a reduction of service to Northern York County Regional Police Department from the current 67 to 63 units effective January 1, 2017, unless Northern York County Regional Police Commission suspends Resolution #99-02 relative to service reduction requirements. Motion carried. Ayes-4 Nays-0.

Mr. Brandstedter expressed concern with pedestrian use on Greenbriar Road and alternatives for safer pedestrian use on the road.

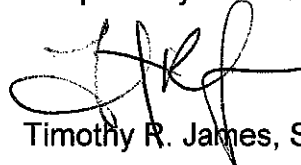
APPROVAL OF VOUCHERS

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: February 10-23; February 24-March 8, 2016. Ayes-4 Nays-0. Motion carried.

ADJOURNMENT

Being no further business, Mr. Hauck made a motion to adjourn the meeting at 9:17 pm.

Respectfully submitted,



Timothy R. James, Secretary

TRJ/jas