

**MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS**

June 14, 2016

EXECUTIVE SESSION

Chairperson Lisa Wingert announced the board met at 6:30 p.m. on June 14, 2016 in executive session to discuss negotiations relative to the Pennsylvania Department of Environmental Protection Consent Order and Agreement.

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, June 14, 2016, which was called to order at 7:00 p.m. by Chairperson Lisa 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
Lawrence V. Young, Esq., Solicitor
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. Wingert, to approve the minutes of the May 10, 2016 meeting as submitted. Ayes-5 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 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. Supervisor Wingert reported work continues on merged agreement draft. Mr. James reported that effective June 1, 2016 Daniel Hoff was appointed by the YAUFRR Commission to serve as Fire Chief due to the retirement of Robert McCoy.

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 completion of a second phase of 50 house inspections this spring. Engineer Treglia reported DEP has requested a meeting with the township regarding resurrecting discussions with the draft Consent Order and Agreement in the next 30 days.

NEW BUSINESS

Clearview Associates – Review #2016-04 - Revision

Dave Bittner of RGS Associates was present to present a revision to the final land development plan to construct a 106 room hotel on 2.64 acres located along the west side of the 1500 block of Toronita Street in a Commercial Zone district. Mr. Bittner reported the revision request was necessary to remedy an agreement that discovered post April 12, 2016 board approval that may have restricted vehicle accessibility from the Sheetz property onto Toronita Street if a median was constructed in the future.

Mr. Hauck made a motion, seconded by Mr. Brandstedter, to approve the final land development plan revision for Clearview Associates initially approved by the board on April 12, 2016.

Motion carried. Ayes-5 Nays-0.

York City Wastewater Treatment Intermunicipal Agreement

As summarized in item #7 of the manager's report, Solicitor Young reported that the

York City Wastewater Treatment Plant connective municipalities have been discussing the draft intermunicipal agreement update developed by legal counsel for the City of York. Mr. Hauck and Mr. James reported attending a June 1, 2016 meeting with the connective municipalities to discuss the draft agreement. After a lengthy, discussion the board suggested continuing negotiations on the draft agreement and requested more information as discussions transpire.

Township Banking Services

As summarized in item #8 of the manager's report, Mr. James reported that due to the recent consolidation with current banking service provider and concerns thereof, a request for banking services was completed and after review Fulton Bank had offered the most attractive proposal relative to rates, fees and services. Mr. Brandstedter made a motion, seconded by Mr. Hauck, to authorize the township manager to transfer municipal banking services to Fulton Bank. Motion carried. Ayes-4 Nays-0. Mr. Brosend abstained due to his employment responsibilities.

Sewer Capacity Transfer

As summarized in item #9 of the manager's report, Mr. Hauck made a motion, seconded by Mr. Wingert, to authorize the board chairperson or vice-chairperson to execute the following acquisition of reserved sewer capacity:

- a) Transfer of one (1) EDU (300 GPD) of Dover Township Wastewater Treatment Plant from Kinsley Equities II, LP to Gregory A. and Karen M. Page for 2732 Farnham Lane.

Motion carried. Ayes-5 Nays-0.

RECOGNITION OF PUBLIC PRESENT

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

Todd Rutter was present to request board consideration for a public meeting to discuss the submitted text ordinance amendment change requesting a zoning ordinance 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. Mr. James reported the township and county planning commissions have commented on the request and a revised text ordinance amendment was received on June 13, 2016. Solicitor Young stated a public meeting would be required for the board to consider requested amendment. After discussions, Mr. Brandstedter made a motion, seconded by Mr. Wingert, to advertise a public meeting be held on July 13, 2016 at 6:00 p.m. to consider a zoning ordinance 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 and to notify contiguous properties of the hearing. Motion carried. Ayes-5 Nays-0.

EXECUTIVE SESSION - (MTCFFA Collective Bargaining Agreement)

Chairperson Wingert called the board for adjournment to executive session from 8:08-8:25 pm to discuss the Manchester Township Career Fire Fighters Association Collective Bargaining Agreement process.

MANAGER'S REPORT –

Item #10 - Solicitor Young reviewed the board's concern regarding storm water facilities that are not properly maintained by residential developments without a homeowners/communities association or developments with homeowners/communities association that may not be currently active. After a lengthy discussion, Mr. Brandstedter made a motion, seconded by Mr. Hauck to authorize the solicitor to develop an ordinance that establishes a storm water facility maintenance fee for properties that drain to said facilities or allow the communities to develop an internal association to maintain the storm water facilities accordingly. Motion carried. Ayes-5 Nays-0.

OTHER BUSINESS/REPORTS

Mr. James reported that Fire Chief Hoff had submitted the May 2016 monthly report.

Mr. James reported that Engineer Treglia had submitted the June 14, 2016 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: May 11-17; May 18-24; May 25-31; and June 1-14, 2016. Ayes-5 Nays-0. Motion carried.

ADJOURNMENT

Being no further business, Mr. Hauck made a motion to adjourn the meeting at 8:28 pm.

Respectfully submitted,

Timothy R. James, Secretary

TRJ/jas