

**MANCHESTER TOWNSHIP  
BOARD OF SUPERVISORS**

**December 13, 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, December 13, 2016, which was called to order at 7:00 p.m. by Chairperson Lisa Wingert.

**PARTIES PRESENT**

Lisa D. Wingert, Chairperson  
Kenneth D. Wingert, Supervisor  
David K. Brosend, Supervisor  
Rodney K. Brandstedter, Supervisor

Timothy R. James, Manager/Secretary  
Stewart S. Olewiler, Zoning/Planning  
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. Brandstedter made a motion, seconded by Mr. Wingert, to approve the minutes of the November 8, 2016 meeting as submitted. Ayes-4 Nays-0. Motion carried.

**UNFINISHED BUSINESS**

**York Area United Fire & Rescue Services Proposal**

As summarized in item #3 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 YAUFRC Commission, Ms. Wingert received a January 27, 2012 letter from YAUFRC 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. Supervisor Wingert reported work continues on merged agreement draft. Chief Hoff reported the YAUFRC Commission would like the board to consider having two representatives from Manchester Township to participate in a non-voting role in YAUFRC Commission meetings. The board representatives Ms. Wingert and Mr. Brosend indicated they would attend future YAUFRC Commission meetings. Mr. James stated he had nothing new to report.

#### **York Water Company – Sewer Collection System**

As summarized in item #4 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. Mr. James reported that on June 27, 2016 township representatives, including Mr. Hauck, met with representatives of DEP and the City of York to discuss the impending Consent Order and Agreement for Manchester Township. Mr. James previously reported that DEP informed the township that the Consent Order and Agreement will be issued in the future and that the township and city have six (6) months to negotiate the interceptor cost distribution.

### **Interceptor Agreement**

As summarized in item #4 of the manager's report, Solicitor Young reported after ongoing discussions with York City Sewer Authority Solicitor Stacey MacNeal, an agreement for cost sharing responsibilities for the Manchester Township/York City

Sewer Interceptor has been distributed for board consideration. Solicitor MacNeal was in attendance to answer questions and report that the York City Sewer Authority has authorized the execution of the agreement presented. Mr. Brandstedter expressed concern with the lack of a project cost included in the agreement. Solicitor Young expressed understanding of the concern but stated a firm cost would not be known until the project bids were open and an agreement to move forward with the project would need to be in advance of bid opening. Mr. Wingert made a motion, seconded by Mr. Brosend, to authorize the chairperson, or vice-chairperson to execute an agreement with York City Sewer Authority (and the City of York) for the cost sharing responsibilities relative to the Manchester Township/York City interceptor project.

Motion carried. Ayes-3 Nays-1 (Brandstedter opposed).

### **Resolution #2016-16 - 2017 Budget Adoption**

As summarized in item #5 of the manager's report, Mr. James reported that the proposed 2017 budgets for all funds had been on public display since they were introduced at the November 8, 2016 meeting and a summary was advertised in the legal classified section of the York Newspapers on November 18, 2016.

Mr. James advised that the 2017 draft budget shows a total budget of \$14,027,440 or an increase of \$104,170 from 2016. Mr. James reported that general fund budget total is \$10,921,260 or .37% increase from 2016. Mr. James also reported among the items that would have an impact on the 2017 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 workers compensation, health, property, and vehicle insurance costs; c) increased costs to maintain seven (7) parks that total 145 acres; d) fire, public works and park maintenance vehicle and equipment repairs; e) increased costs associated with stormwater regulations.

Mr. James also advised that a projected taxable assessed valuation figure of \$1,640,661,281 had been used to prepare the proposed general fund budget. He reported that the York County Assessment Department certified 2017 taxable assessed valuation figure on November 14, 2016 at \$1,642,062,066. He advised that the assessed value figure remain at the budgeted level due to the continuous decline with several recent assessment appeal decisions for industrial and commercial properties rendered by the York County Board of Assessment Appeals.

Mr. James advised that the proposed 2017 budget included an initial draft of the sewer system consolidated operating budget which was created in 2010 to combine the operational aspects of the five (5) separate sewer districts based on the board's December 9, 2008 authorization. The three (3) municipalities (York City Sewer Authority; Dover Township Sewer Authority; and Springettsbury Township) from whom Manchester Township purchases wastewater treatment services have provided debt service costs for 2016, but as of this writing have not provided treatment costs. He

reported that the debt service figures were the result of the long term financing that the York City Sewer Authority; Dover Township Sewer Authority; and Springettsbury Township incurred to cover the costs of upgrading the wastewater treatment plants to comply with the federal mandates for the "Chesapeake Bay Strategy" which involves the removal of nitrates and phosphorus from the effluent. He reported that because of the increasing responsibilities related to maintaining 132.89 miles of sanitary sewer line and nine (9) pump stations and the correction of sewer system deficiencies which are identified in the updated Act 537 Official Sewer Plan, have again included funding in the sewer operating budget to support three (3) full-time public works department sewer maintenance positions who are also used to assist with winter maintenance (snow plowing; anti-skid application) activities on the township street system.

Mr. Brandstedter made a motion, seconded by Mr. Wingert, to adopt Resolution #2016-16 that adopts the 2017 budgets and establishes a 2017 general fund real estate tax rate of one mill (1.00) of taxable assessed value, and all other tax rates and service fees as were introduced at the November 8, 2016 meeting and advertised on November 18, 2016.

Motion carried. Ayes-4 Nays-0.

### **NEW BUSINESS**

#### **Hauck Logistics Trailer Storage – Review #2016-10**

David Koratich of LSC Design was present to present a final land development plan for a proposed 5,760 sq. ft. building and 269,480 sq. ft. combination paved and stoned parking area at 10 Leo Lane in an Industrial (I) zoning district. Mr. Koratich stated the plan for the lot is to store trailers either before or after repairing them at the facility at 100 West Crone Road.

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

- W1) From section 26-124.7 that requires any stormwater management facility to be located within the building area of a lot. This proposed stormwater management basin is located within the building setback.
- W2) From section 26-138.C.1.C that requires that the side slope of any facility be no more than 4:1. The proposed stormwater management basin has side slopes steeper than 4:1.

Motion carried. Ayes-4 Nays-0.

Mr. Brandstedter made a motion, seconded by Mr. Wingert, to approve the Hauck Logistics Trailer Storage, Review #2016-10 Final Land Development Plan.

Motion carried. Ayes-4 Nays-0.

Mr. Brosend made a motion, seconded by Mr. Wingert, to authorize the chairperson or vice-chairperson to execute stormwater operation and maintenance agreement for land development plan Review #2016-10.

Motion carried. Ayes-4 Nays-0.

#### **Sewer Capacity Acquisition/Transfers**

As summarized in item #7 of the manager's report, Mr. Wingert made a motion, seconded by Mr. Brandstedter, to authorize the board chairperson or vice-chairperson to execute the following acquisition of reserved sewer capacity:

- a) Acquisition of one (1) EDU (350 GPD) of York City Wastewater Treatment Plant from Manchester Township to Hauck Logistics, LLC 10 Leo Lane.

Motion carried. Ayes-4 Nays-0.

As summarized in item #7 of the manager's report, Mr. Brosend made a motion, seconded by Mr. Brandstedter, to authorize the board chairperson or vice-chairperson to execute the following acquisition of reserved sewer capacity:

- b) Acquisition of one (1) EDU (350 GPD) of York City Wastewater Treatment Plant from Manchester Township to Randy Myers, 750 Greenbriar Road.

Motion carried. Ayes-4 Nays-0.

#### **Highway Occupancy Permits/Agreements - Resolutions #2016-17/18/19**

As summarized in item #8 of the manager's report, Mr. Brandstedter made a motion, seconded by Mr. Wingert, to approve Resolution #2016-17 that would authorize staff to execute PennDOT M-950AA and TE-160 forms that would update the Highway Occupancy Permit with PennDOT relative to the installation of small cell equipment by Verizon Wireless on Route 30.

Motion carried. Ayes-4 Nays-0.

In addition as summarized in item #8 of the manager's report, Mr. Brandstedter made a motion, seconded by Mr. Wingert, to approve Resolution #2016-18 that would authorize staff to execute PennDOT TE-160 form that would update the Highway Occupancy Permit with PennDOT relative to truck crossing warning devices on Blackbridge Road in advance of driveways at the York County Solid Waste Authority facility.

Motion carried. Ayes-4 Nays-0.

In addition as summarized in item #8 of the manager's report, Mr. Brandstedter made a motion, seconded by Mr. Brosend, to approve Resolution #2016-19 that would authorize staff to execute PennDOT TE-160 form that would update the Highway Occupancy Permit with PennDOT relative to the installation of pedestrian crossing warning devices on Sandhurst Drive, in addition to authorize the chairperson or vice-chairperson to

execute easement and maintenance agreement with Kinsley Equities II for the installation of flashing pedestrian devices.

Motion carried. Ayes-4 Nays-0.

**Rezoning Petition Request – Christian Life Church of York, Inc.**

As summarized in item #9 of the manager's report, Christopher Knarr of McNees, Wallace and Nurick LLC, Mayur Patel of Laughner and Patel Developers, and Joshua George of Snyder, Secary and Associates, were present to formally submit a petition request for rezoning of the lands of City View Church on Roosevelt Avenue (adjacent from the property being developed by Memorial Hospital in West Manchester Township) from Residential Low Density (RL) to Office (O). Mr. Brandstedter made a motion, seconded by Mr. Wingert, to permit further review and consideration of rezoning of areas within Residential Low Density (RL) zone to Office (O) zone district by the Manchester Township and York County Planning Commissions.

Motion carried. Ayes-4 Nays-0.

Mr. Brandstedter also commented that he appreciated the formal letter request dated December 7, 2016, as he recognized Pearl Harbor Remembrance Day.

**Alarm Systems – YAUFR**

As summarized in item #10 of the manager's report, Solicitor Young reported a sample alarm ordinance requested by YAUFR Solicitor Steve Hovis for review was distributed to the board and staff. Solicitor Young reported Zoning/Planning Officer Olewiler had provided him with questions in advance of the meeting and suggested tabling discussion until additional information was discovered.

**CPA Appointment – 2016 Financial Statements**

As summarized in item #11 of the manager's report, Mr. Brosend made a motion, seconded by Mr. Wingert, to appoint Kochenour, Earnest, Smyser and Burg, CPA to complete the township audit/financial statements for 2016.

Motion carried. Ayes-4 Nays-0.

**Bid Authorization – 2017 Construction Materials/Equipment Rental**

As summarized in item #12 of the manager's report, Mr. Wingert made a motion, seconded by Mr. Brosend, to authorize the manager, engineer, and public works superintendent to prepare specifications using prevailing wage rates and advertise for bids for contracts for supplying construction materials and equipment rental for the period May 1, 2017 until April 30, 2018 with the bid opening by the staff to be scheduled prior to the regular April 11, 2017 board meeting.

Motion carried. Ayes-4 Nays-0.



**Bid Authorization – 2017 Budget Capital Projects**

As summarized in item #13 of the manager's report, Mr. Wingert 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 and capital reserve funds.

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.

**EXECUTIVE SESSION**

No executive session was held.

**MANAGER'S REPORT –**

Item #6 - Mr. Brandstedter made a motion, seconded by Mr. Wingert, to table action on Welbourne Reserve (Review #2006-19) until December 31, 2017.

Motion carried. Ayes-4 Nays-0.

Item #19 - Gerry Anderson, 1355 Detwiler Drive, was present to express concern about storm water drainage at his residence. After a brief discussion, Solicitor Young suggested Mr. Anderson contact him after future meeting. Mr. Anderson reported he was having with the Outdoor Country Club representatives.

Item #31 - Mr. Brosend made a motion, seconded by Mr. Brandstedter, to authorize the installation of a new public fire hydrant on Flour Mill Road, at the main entrance gate of the ash processing facility.

Motion carried. Ayes-4 Nays-0.

Item #32 - Mr. Wingert made a motion, seconded by Mr. Brandstedter, to authorize the Solicitor to review and propose any changes to the current park rules ordinance.

Motion carried. Ayes-4 Nays-0.

**OTHER BUSINESS/REPORTS**

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

Mr. James reported that Engineer Treglia had submitted the December 13, 2016 engineer's report.

Mr. James reported receipt of the Northern York County Regional Police Department December 20, 2016 report.

**APPROVAL OF VOUCHERS**

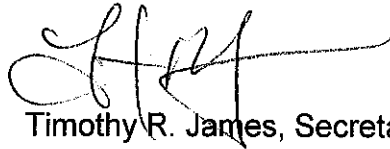
Mr. Brandstedter made a motion, seconded by Mr. Wingert, to approve the payment of the vouchers as listed on the Treasurer's Checks Vouchers List: November 9-15; November 16-22; November 23-29; November 30-December 13, 2016.

Motion carried. Ayes-4 Nays-0.

**ADJOURNMENT**

Being no further business, Mr. Wingert made a motion to adjourn the meeting at 8:20 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. James', with a long horizontal flourish extending to the right.

Timothy R. James, Secretary

TRJ/jas