

MANCHESTER TOWNSHIP BOARD OF SUPERVISORS

August 8, 2017

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, August 8, 2017, 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, 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 meeting minutes of the July 11, 2017 meeting as submitted. Motion carried. Ayes-5 Nays-0.

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 YAUFR 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. Chief Hoff reported the YAUFRR Commission would like the board to consider having two representatives from Manchester Township to participate in a non-voting role in YAUFRR Commission meetings. The board representatives Ms. Wingert and Mr. Brosend indicated they would attend future YAUFRR Commission meetings. Chief Hoff reported the YAUFRR Commission would like to restart discussions with Manchester Township on the joinder process. The board by consensus directed Chairperson Wingert and Supervisor Brosend to participate in the joinder discussions with a goal of completion in 2017. Chairperson Wingert and Supervisor Brosend reported a meeting with YAUFRR Commissioners Hunt, YAUFRR Solicitor Hovis, Chief Hoff and Manager James on March 28, 2017 regarding joinder negotiations. Chief Hoff reported on continued joinder negotiation discussions. Ms. Wingert and Mr. Brosend provided additional information regarding the joinder discussions. On July 11, 2017, YAUFRR Solicitor Hovis, Commissioner Hunt and Chief Hoff were in attendance to answer questions and concerns of the board relative to the YAUFRR Joinder discussions. The board discussed at length the specifics of the draft YAUFRR Amended Charter Agreement and will continue efforts to consider action on the amended charter agreement in the near future. At the August 8, 2017 meeting, Mr. Wingert made a motion, seconded by Mr. Hauck, to conditionally approve upon authorization by Spring Garden and Springettsbury Townships to authorize the Solicitor to advertise a proposed ordinance to enter into an agreement as a charter member participant of the York Area United Fire and Rescue.

Motion carried. Ayes-4 Nays-1 (Brandstedter opposed).

Emergency Bypass Pumping – DEP

As summarized in item #3 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. Solicitor Young reported he had delivered the interceptor cost-sharing agreement authorized by the board on December 13, 2016, to the York City Sewer Authority's Solicitor Stacey MacNeal for execution. Engineer Treglia reported on design and permitting efforts and on February 28, 2017 meeting with Supervisor Hauck, Manager James and Engineers with York City Sewer Authority regarding interceptor project logistics. Manager James reported the receipt of the latest draft of the Consent Order and Agreement from DEP of which Solicitor Young, Attorney Mahoney, Supervisor Hauck, C.S. Davidson, Inc. and staff are currently reviewing. Mr. James reported DEP has given the township to the end of August to respond to the draft Consent Order and Agreement. Attorney Mahoney was in attendance to review the draft Consent Order and Agreement. Mr. Wingert made a motion, seconded by Mr. Brandstedter, to authorize the township manager and legal counsel to finalize and execute a Consent Order and Agreement to be entered into with DEP, in substantial conformity with DEP's request terms and modified to assure the township's capacity to comply with its terms, by which Order and Agreement the township will be required and committed to upgrade its sewage line or interceptor in accordance with a capital improvement plan to be approved by DEP, in order to resolve the DEP Notice of Violation letter issued on April 24, 2014 and to correct and abate the intermittent hydraulic overload in the sewer line that transmits sewage from the township to the York City treatment plant.

Motion carried. Ayes-5 Nays-0.

Alarm Systems – YAUFR

As summarized in item #4 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. Chief Hoff reported further discussions and information sharing is continuing, with no board action needed at this time.

Ordinance #2017-04 - York County Chesapeake Bay Pollutant Reduction Plan – Intergovernmental Cooperative Agreement

As summarized in item #5 of the manager's report, Mr. James reported that the York County Regional Chesapeake Bay Pollutant Reduction Plan consortium took action at their June 29, 2017 meeting to choose cost scenario 4B as the cost formula for the period 2018-2023 costing Manchester Township \$169,817 annually to participate. At the July 11, 2017 meeting the board authorized the Solicitor to advertise a proposed ordinance allowing participation in the regional pollutant reduction plan per amended intergovernmental cooperation agreement. Mr. Hauck made a motion, seconded by Mr. Brosend, to adopt Ordinance #2017-04 to participate in the amended

intergovernmental cooperation agreement with the York County Regional Chesapeake Bay Pollutant Reduction Plan.

Motion carried. Ayes-5 Nays-0.

Ordinance #2017-05 - Off-Road Recreational Vehicles

As summarized in item #6 of the manager's report, Mr. Wingert made a motion, seconded by Mr. Brandstedter, to adopt Ordinance #2017-05 regulating the operation and use of recreational vehicles within the township.

Motion carried. Ayes-5 Nays-0.

NEW BUSINESS

Heritage Business Park – PennDOT Highway Occupancy Permit

As summarized in item #7 of the manager's report, Chris Dellinger of HRG, Inc., was in attendance to brief the board on the planned traffic improvements for the Board Road/Shady Lane/May Road intersection, including the developers commitment to install traffic signal. Mr. Dellinger requested board consideration to enter into a traffic signal and road improvement agreement with Heritage Business Park and submit necessary Highway Occupancy Permits associated with the intersection improvements. Mr. Brandstedter made a motion, seconded by Mr. Brosend, to authorize the Chairperson or Vice-Chairperson to execute the traffic signal and road improvement agreement with Heritage Business Park, LP and authorize the township staff to execute the necessary requirements associated with the PennDOT Highway Occupancy Permits.

Motion carried. Ayes-5 Nays-0.

Resolution #2017-13 – York Area Regional Emergency Management Emergency Operations Plan Agreement

As summarized in item #8 of the manager's report, Mr. Hauck made a motion, seconded by Mr. Brandstedter, to approve Resolution #2017-13 executing the Emergency Operations Plan as a participant of the York Area Regional Emergency Management group.

Motion carried. Ayes-5 Nays-0.

Fire Police Request

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

- a) September 2-9, 2017 at the Dover Borough Union Fire Company, Canal Road, Dover, for the annual carnival event.
- b) September 16, 2017 beginning at 10:00 am until 4:00 pm at Cousler Park, 1060 Church Road, for the Central Penn Parent Magazine sponsored "Family Festival" event.

- c) Closure of Brandywine Lane/Kayla Boulevard from Stillmeadow Lane to Greenbriar Road on October 28, 2017 from 8:45 am – 10:30 am for a 5K-road race sponsored by Joyful Noise Preschool/Zion Lutheran Church as well as the utilization of fire police for the event.

Motion carried. Ayes-5 Nays-0.

Block Party Request

As summarized in item #10 of the manager's report, Mr. Hauck made a motion, seconded by Mr. Brandstedter, to authorize the temporary closing of a section of Taft Avenue on Sunday, September 24, 2017 (rain date of October 1, 2017) from 9 am to 9 pm to hold a neighborhood block party.

Motion carried. Ayes-5 Nays-0.

Annual MS4 Presentation

Engineer Treglia reported that as a follow-up to the action taken at the February 11, 2003 meeting to authorize the filing of a Notice of Intent (NOI) with the Pennsylvania Department of Environmental Protection (DEP) as the first step in coming into compliance with the federal NPDES Phase II storm water conveyance system regulations, the "Municipal Separate Storm Water and Sewer System" (MS4) program regulations require that an annual report be submitted to DEP by the end of July of each year. He advised that the regulations also require that prior to the submission of the annual report, a discussion about the report be listed as an agenda item for a public meeting of the municipality. He reported that his firm, with assistance from Zoning/Planning Officer Olewiler, had been working to prepare the 2016 annual report. Mr. Treglia distributed a summary sheet with his engineer's report that included the items that had been accomplished during the 2016-2017 reporting period. Mr. Treglia reported the renewed general permit took effect on May 1, 2013 and will expire on April 30, 2018. Mr. Treglia also reported on the DEP's MS4 program update and the major cost and personnel efforts associated with the updated program, which are scheduled to be implemented in the fall of 2018. Mr. Treglia reviewed the six (6) point action plan contained in the NOI to be implemented within five (5) years, included the following:

- a) Public Education & Outreach – Distributed flyers, newsletter articles, public service announcements. Each quarterly newsletter since April 2003 has contained some information about the MS4 program, with a DEP-supplied information sheet having been included into the township newsletter. Additionally, on September 8, 2008, the board of supervisors approved an updated Memorandum of Understanding with the Watershed Alliance of York (WAY) to assist with public education. Also reported about the public works department project, using staff and volunteers, installed over 1,000 plaques that have been purchased to affix to storm water inlets and street inlets throughout the township for public education.
- b) Public Participation/Involvement – Engaged volunteer groups such as WAY to assist in monitoring the storm sewer system. Reviewed the status of Act 167

- watershed studies for the branches of the Codorus Creek and Little Conewago Creek that affect Manchester Township.
- c) Illicit Discharge Detection & Elimination – Completed the project to create a comprehensive map of the storm sewer system and establish a systematic inspection schedule. C.S. Davidson, Inc., with assistance from public works employees, identified the storm water “outfall” locations.
 - d) Construction Site Runoff Control – Require that an erosion control plan be submitted and reviewed by an appropriate agency for disturbances of areas over 5,000 square feet. This requirement has been met by the board’s November 9, 2010 approval of the updated Memo of Understanding (MOU) with the York County Conservation District.
 - e) Post Construction Runoff Control – Establish Best Management Practices (BMP) for the ongoing maintenance of storm water management facilities including the adoption of a revised storm water management ordinance. Completed a catalog of existing storm water management basins. Established a “Municipal Storm Water Maintenance Fund” to cover costs of biennial inspections of storm water management facilities by the township engineer.
 - f) Pollution Prevention/Good Housekeeping – Develop a plan for municipal properties and techniques to assure that the township, itself, is not introducing pollutants into the storm sewer systems. Discussions have been held with Public Works Superintendent Goodyear about developing the required plan.

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.

MANAGER’S REPORT –

- Item #11 - Mr. James reported Verizon Wireless has requested the township reconsider the small cell wireless installation revenue from originally agreed upon rate of \$500 monthly be reduced to \$300 monthly. The board by consensus directed the staff to respond to Verizon that the township will agree to the original \$500 per month payment, not the requested \$300.
- Item #13 - The board continued discussion from previous meetings relative to the current and future sewer rates for both residential and non-residential customers.
- Item #16 - Mr. James reported the receipt of a July 18, 2017 letter from Robert Coons, 2057 Village Circle East, expressing concern on behalf of the residents of Susquehanna Village, of traffic concerns on Susquehanna Trail in the area of Susquehanna Village.
- Item #17 - Mr. James reported receiving the July 31, 2017 notification from Mike Ellis of Ellis Wildlife Control Services, of their intent to terminate the animal control contract with the township effective December 31, 2017.

- Item #21 - Mr. Brandstedter made a motion, seconded by Mr. Hauck, to approve a change order for E.K. Service, Inc. for the 2017 Sanitary Sewer Maintenance contract, relative to a time extension until August 25, 2017.

Motion carried. Ayes-5 Nays-0.

In addition, the board by consensus made a commitment to the "quicker construction higher cost option" for the deck replacement bridge project on Toronita Street.

- Item #22 - Mr. James reported that the PennDOT road/bridge improvements on Canal Road (SR 0921) west of Interstate 83 to Susquehanna Trail are moving forward with financial commitments from PennDOT and four (4) developers associated with the business parks in East Manchester and Conewago Townships.

- Item #27 - By consensus the board authorized the township staff to send letters to the homeowners in the Ridings Development to which stormwater would drain the stormwater facility on Hambiltonian Way to inform them of the potential fee charge for the maintenance of the facility, which has been neglected for over 15 years.

- Item #28 - Mr. Hauck made a motion, seconded by Mr. Brosend, to authorize the volunteers of Alert Fire Company to utilize the traffic vehicle in participating in the York County Convention Festivities on August 19, 2017.

Motion carried. Ayes-5 Nays-0.

EXECUTIVE SESSION (6:30 – 6:58 pm)

Ms. Wingert reported that the board met in executive session to discuss the negotiations with the Pennsylvania Department of Environmental Protection draft Consent Order and Agreement.

OTHER BUSINESS/REPORTS

Mr. James reported that Fire Chief Hoff had submitted the July 2017 monthly report.

Mr. James reported that Engineer Treglia had submitted the August 8, 2017 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: July 12 - 25 and July 26 – August 8, 2017.

Motion carried. Ayes-5 Nays-0.

ADJOURNMENT

Being no further business, Mr. Brandstedter made a motion to adjourn the meeting at 8:58 p.m.

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

