

MANCHESTER TOWNSHIP BOARD OF SUPERVISORS

August 14, 2018

PUBLIC HEARING – PA. LIQUOR LICENSE #R-18786 TRANSFER REQUEST

Chairperson Wingert called the advertised public hearing to order at 6:45 pm. Ms. Wingert announced that the purpose of the hearing was to receive public comment about a June 25, 2018 letter from Attorney Mark Kozar, who represents Sheetz, Inc., in which he advised that his client had entered into an agreement to purchase Pennsylvania Restaurant Liquor License #R-18786 from the Pennsylvania Liquor Control Board by way of Public Auction and transfer the license to 215 Arsenal Road in Manchester Township.

Solicitor Young advised that Pennsylvania Act 141 of 2000 requires that before the Pennsylvania Liquor Control Board can approve an inter-municipal license transfer, the governing body of the receiving municipality, "shall, within forty-five (45) days of a request for approval, render a decision by ordinance or resolution, to approve or disapprove the applicant's request for an inter-municipal transfer of a license." Solicitor Young advised that Attorney Kozar agreed to forego the forty-five (45) day notification requirement due to the receipt of letter, advertising requirements and the board meeting schedule. Solicitor Young advised that the governing body of the receiving municipality must also hold at least one (1) advertised public hearing "for the purpose of receiving comments and recommendations of interested individuals residing with the municipality concerning the applicant's intent to transfer a license...".

Ellen Freeman, representing Sheetz, Inc. was present to present the request for the approval of the liquor license transfer to Manchester Township.

Attorney Freeman testified that Sheetz, Inc., planned to make changes to the Sheetz Store at 215 Arsenal Road that could offer to sell alcoholic beverages up to two (2) six-packs and offer restaurant service of only one (1) alcoholic beverage per restaurant customer. Attorney Freeman also stated if a liquor license transfer was approved by the township, Pennsylvania Liquor Control Board approval would still be needed.

Ms. Wingert invited any questions or comments from any township residents who were present at the meeting. No questions, comments or testimony was offered for or against the request.

Mr. Brandstedter made a motion, seconded by Mr. Inch, to close the public hearing at 6:56 pm.

Motion carried. Ayes-5 Nays-0.

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 14, 2018, which was called to order at 7:00 p.m. by Chairperson Wingert.

PARTIES PRESENT

Lisa D. Wingert, Chairperson
Rodney K. Brandstedter, Vice-Chair
David Brosend, Supervisor
Beth Brennan, Supervisor
John W. Inch, Jr., Supervisor

Timothy R. James, Manager/Secretary
Debra K. McCune, Assistant Secretary
Lawrence V. Young, Solicitor
Terry Myers, P.E., C.S. Davidson, Inc.
Daniel Hoff, YAUFRR Fire Chief

PUBLIC COMMENT

Chairperson Wingert called the regularly scheduled supervisors meeting to order and 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 Ms. Brennan, to approve the meeting minutes of the July 10, 2018 meeting as submitted.

Motion carried. Ayes-5 Nays-0.

UNFINISHED BUSINESS

Resolution #2018-12 – Liquor License Transfer Approval

As summarized in item #2 of the manager's report, Solicitor Young reported the board of supervisors held an August 14, 2018 (6:45 p.m.) hearing to consider the transfer of Pennsylvania Liquor License #R-18786 from the Pennsylvania Liquor Control Board via a public auction to Sheetz, Inc., 215 Arsenal Road, Manchester Township as required by Pennsylvania Act 141 of 2000.

Mr. Brandstedter made a motion, seconded by Mr. Inch, to approve Resolution #2018-12 allowing the transfer of Pennsylvania Restaurant Liquor License #R-18786 from the Pennsylvania Liquor Control Board via public auction, to Sheetz, Inc., Manchester Township.

Motion carried. Ayes-5 Nays-0.

DEP Consent Order and Agreement/Interceptor Project

As summarized in item #3 of the manager's report, Mr. James reported that the executed Consent Order and Agreement, approved by the board on January 2, 2018, and \$1,000 fine relative to the April 2014 bypass pumping activities, was received by Pennsylvania Department of Environmental Protection (DEP) on January 22, 2018. Engineer Treglia reported that the municipal authority has authorized the project to be advertised for bid on March 10, 2018, with bid opening occurring on April 6, 2018. Mr. Treglia reported that an update to the Corrective Action Plan to include the contract schedule has been completed and approved by the board in March. The board provided

guidance to the staff to continue to utilize existing sewer funds to pay the interceptor costs and provide financial updates to the board as the project continues. Mr. Myers updated the board on the interceptor project. Mr. James reported that due to recent rain events in excess of 17 inches in two (2) weeks, staff had undergone relief pumping activities in the Skyview Drive/N. George Street area.

York City Sewer – Intermunicipal Agreement

As summarized in item #4 of the manager's report, Solicitor Young and Mr. James reported that there has been no further action regarding the York City Sewer – Intermunicipal Agreement since the last board of supervisors meeting.

2019-2023 Trash/Recycling Contract

As summarized in item #5 of the manager's report and as a follow-up to the May 8, 2018 board action to authorize the Solicitor and staff to prepare trash/recycling bid specifications for the 2019-2023 contract, Mr. James reported that the trash/recycling bid specifications were in the process of being advertised with the bids being opened on September 4, 2018.

Alarm Ordinance Update

As summarized in item #10 of the manager's report, Mr. James reported that the staff and Solicitor Young have reviewed the updated alarm ordinance for presentation to the supervisors. Chief Hoff reported the intent of the updated ordinance is to standardize the ordinance with YAUFM municipalities for better efficiencies. After a discussion, the board requested the staff and Solicitor clean up some ordinance language with the plan to review at the September meeting.

NEW BUSINESS

165 Shady Lane – Preliminary Land Development Plan (#2018-03)

Corey Adams of Herbert, Rowland & Grubic, Inc., was present to present a preliminary land development plan for a new 148,500 square foot industrial facility on a 14.0021 acre parcel located at 165 Shady Lane in an Industrial (I) zoning district. Mr. Adams reported that the proposed facility construction would be located on Lot #2 that the board previously approved. Mr. Adams also reported that the township's zoning hearing board granted a Special Exception for the reduction of 46 spaces from the number of required parking spaces.

Mr. Brandstedter made a motion, seconded by Mr. Inch, to approve preliminary land development plan (#2018-03) for 165 Shady Lane subject to the completion of open items.

Motion carried. Ayes-5 Nays-0.

PILOT Agreement – SpiriTrust Lutheran The Village at Sprengle Drive

As summarized in item #8 of the manager's report, Mr. Brandstedter made a motion, seconded by Mr. Brosend, to authorize the Chairperson or Vice-Chairperson to execute

a five (5) year extension of the voluntary PILOT agreement with SpiriTrust Lutheran for facilities at Sprengle Village subject to school district participation approval.

Motion carried. Ayes-5 Nays-0.

Animal Control Agreement 2019

As summarized in item #9 of the manager's report, Ms. Brennan made a motion, seconded by Mr. Brandstedter, to authorize the chairperson or vice-chairperson to execute the 2019 Animal Control Service agreement with Klugh Animal Control for a monthly fee of \$340 and an annual \$500 service retainer.

Motion carried. Ayes-5 Nays-0.

County of York District Court – Sub-Lease Agreement

As summarized in item #10 of the manager's report, after a lengthy discussion, Mr. Brandstedter made a motion, seconded by Mr. Inch, to authorize the Solicitor and staff to negotiate two – five (5) year extensions at an increase of \$300 monthly every four (4) years, in association with the current sub-lease agreement with York County in relation to the District Court space at the municipal complex.

Motion carried. Ayes-5 Nays-0.

Sewer Acquisition – York Hospitality, LLC

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

- a) Transfer of 2,000 gallons per day sewer reserve of Springettsbury Township Sewer Treatment Plant capacity from Betty Keener to CAK Holdings, LLC, for property at 70 Willow Springs Circle.

Motion carried. Ayes-5 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.

Emma Woodward, 674 Foxtail Drive, was present to observe the meeting as a requirement for a college course at Lebanon Valley College.

MANAGER'S REPORT –

Item #12 – Discussions for a potential fireworks ordinance took place, with the board requesting additional information for future discussion.

Item #15 - Mr. James reported on the impact of the rain events that recorded over 17 inches from July 21 through August 4, 2018.

EXECUTIVE SESSION – COUNTY OF YORK CLERK OF COURTS FINE DISBURSEMENT NEGOTIATIONS; YORK CITY SEWER DEBT ALLOCATION NEGOTIATIONS, SEWER INSURANCE CLAIM (7:55 – 8:27 P.M.)

Chairperson Wingert called an executive session to discuss legal matters related to the County of York Clerk of Courts misallocation of fine money; York City's misallocation of debt allocation payments and residential sewer insurance claim at 1401 North Pine Street.

OTHER BUSINESS/REPORTS

Mr. James reported the receipt of fire, police and engineer's monthly reports.

APPROVAL OF VOUCHERS

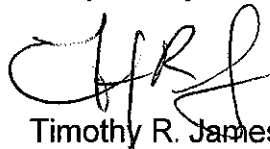
Mr. Brandstedter made a motion, seconded by Ms. Brennan, to approve the payments of the vouchers as listed on the Treasurer's Checks Vouchers Lists: July 11-24; July 25-August 14, 2018.

Motion carried. Ayes-5 Nays-0.

ADJOURNMENT

Being no further business, Mr. Brandstedter made a motion to adjourn the meeting at 8:28 p.m.

Respectfully submitted,



Timothy R. James, Secretary

TRJ/jas

