

MANCHESTER TOWNSHIP BOARD OF SUPERVISORS

July 13, 2021

MEETING

The Manchester Township Board of Supervisors held its regularly scheduled and duly advertised meeting on Tuesday, July 13, 2021, which was called to order at 7:00 p.m. by Chairperson Wingert.

PARTIES PRESENT

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

Timothy R. James, Manager/Secretary
Danelle L. Goodwin, Asst. Secretary
Lawrence V. Young, Solicitor
BJ Treglia, C.S. Davidson, Inc.
Daniel Hoff, YAUFRR Fire Chief
David Lash, NYCRPD Police Chief

RESOLUTION OF RESPECT – RITA D'OTTAVIO

Ms. Wingert reported on the untimely passing of Former Township Supervisor Rita D'Ottavio on June 20, 2021. Ms. Wingert reported Ms. D'Ottavio served as a Township Tax Collector from 2002-2005 and Supervisor for Manchester Township from 2010-2013. Mr. Brandstedter made a motion, seconded by Ms. Brennan, to adopt a resolution of respect for Former Township Supervisor Rita D'Ottavio, as a tribute to her public service to Manchester Township.

Motion carried. Ayes-5 Nays-0.

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 the agenda items for any questions or concerns about non-agenda items.

APPROVAL OF MINUTES

Mr. Brandstedter made a motion, seconded by Ms. McCune, to approve the meeting minutes of the June 8, 2021 regular meeting.

Motion carried. Ayes-4 Nays-0 (Brennan abstained).

EXECUTIVE SESSION (7:02 p.m. – 7:17 p.m.)

Ms. Wingert called an executive session to discuss legal and negotiation aspects of the proposed sale of the York City Sewer System.

UNFINISHED BUSINESS

York City Sewer – Intermunicipal Agreement

As summarized in item #2 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.

York City Sewer Treatment Plant

As summarized in item #3 of the manager's report, Mr. James provided a status report on the development of the City of York's process on the sale of the York City Sewer Treatment Plant and the City collection system. Mr. James stated the working group continues to prepare for PUC hearings and future discussions with PA American Water. Mr. James also stated that the City of York received and accepted a high bid of \$235 million for the sale of the City Sewer System from PA American Water. Mr. James also reported that on April 6, 2021 City Council voted to finalize the Asset Purchase Agreement for the sale of the treatment plant and collection system. Mr. James requested the consideration for the authorization to enter into another memorandum of understanding for the expending of additional sewer funds for costs associated with the legal activities associated with the proposed York City Sewer System sale. Ms. Brennan made a motion, seconded by Mr. Inch, to authorize the Chairperson or Vice-Chairperson to execute another memorandum of understanding between York Township, West Manchester Township, Spring Garden Township, North York Borough and Manchester Township to expend municipal sewer funds for cost share of the York Area Regional Sewer Authority working group at an additional \$100,000 (Manchester Township's share \$19,732.91) for efforts and analysis associated with the proposed sale of the York City Sewer System.

Motion carried. Ayes-5 Nays-0.

Canal Road Betterment Project Developers Agreement

As summarized in item #4 of the manager's report, Mr. James and Solicitor Young reported the receipt of an October 7, 2020 updated draft developer's agreement but are awaiting comments from East Manchester and Conewago Townships. Solicitor Young reported anticipating an agreement for board consideration in August 2021.

Public Water Easement Request

As summarized in item #5 of the manager's report, Engineer Treglia and Solicitor Young provided background on an easement request from Jehovah Witness, 932 Church Road, to access public water from Parkwood and Hummel Drive area through Cousler Park, due to current testing indicating bacteria in well. Solicitor Young reported that he is awaiting an executed agreement from the Jehovah Witness Brandywine Congregation before requesting Board of Supervisors consideration.

Ordinance #2021-05 – Firefighters Defined Benefit Pension Amendment

As summarized in item #6 of the manager's report, Fire Chief Hoff provided feedback on the request to amend the Firefighters defined benefit pension plan ensuring members 5% contribution is placed directly into individuals pension accounts. Solicitor Young confirmed the proposed ordinance was advertised as required. Mr. Brandstedter made a motion, seconded by Ms. McCune, to adopt Ordinance #2021-05 amending the current defined benefit pension plan for the Firefighters and authorizing the Chairperson or Vice-Chairperson to execute the Memorandum of Understanding with the Manchester Township Career Firefighters Association related to the amended defined benefit contribution.

Motion carried. Ayes-5 Nays-0.

NEW BUSINESS**3650 Board Road – Final Land Development Plan – Review #2020-11**

Joe Stein of Warehaus, was present to present the final land development plan for a 7.9 acre property located at 3650 Board Road in an Industrial (I) zone. Mr. Stein stated the proposed land development plan is for the construction of a 72,000 square foot warehouse with stormwater and parking facilities.

Mr. Brandstedter made a motion, seconded by Mr. Inch, to approve the following waiver request:

- 1) Section 26-131.K – all stormwater management facilities are considered structures and must comply with building setback. The stormwater management structures will be shown outside the building setback line.

Motion carried. Ayes-5 Nays-0.

Mr. Brandstedter made a motion, seconded by Mr. Inch, to approve the final land development plan (Review #2020-11) for 3650 Board Road subject to the completion of open items.

Motion carried. Ayes-5 Nays-0.

401 Masonic Drive – Final Land Development Plan – Review #2021-06

Thomas Englerth of Site Design Concepts, Inc., was present to present the final land development plan for a 2.761 acre parcel located at 401 Masonic Drive located in an Office (O) and Residential Medium (RM) zones. Mr. Englerth reported the proposed plan would be for the construction of a 7,000 square foot contractor's office building, which the Zoning Hearing Board approved relief to all contractor's office to be a permitted use. Mr. Englerth also reported stormwater, parking facilities and lighting limitations will be included in the proposed plan. Mr. Brandstedter expressed concern with the number of open items presented at both the board of supervisors and planning commission especially since a preliminary plan was not submitted. Nick Hauck, Manchester Township Planning Commission Chairperson, provided feedback on the pedestrian access discussion they had at the Planning Commission.

Ms. Brennan made a motion, seconded by Ms. McCune, to approve the following waivers:

- 1) Section 22-405 – which requires submission and approval of a preliminary plan prior to consideration of a final plan.
- 2) Section 22-705 (Access).2.1.E.4 – which requires clear site triangle at access drive intersection with street. Modification is requested to allow parking spaces in clear sight triangle as shown on site layout plan (CD-39).
- 3) A waiver is being requested to allow a stormwater management structure to occupy within the building setback (CD-7).

Ms. Brennan made a motion, seconded by Ms. McCune, to approve the final land development plan (Review #2021-06) for 401 Masonic Drive subject to the completion of open items.

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

Resolution #2021-17 – American Rescue Plan Act of 2021

As summarized in item #8 of the manager's report, Mr. James reported on the receipt of \$975,953.73 from the American Rescue Plan Act of 2021. The board discussed options on how the funds should be expended and requested cost details for future guidance on the expense of funds. Mr. Brandstedter made a motion, seconded by Ms. Brennan, to adopt Resolution #2021-17 amending the 2021 municipal budget to include the American Rescue Plan of 2021 funding (\$975,953.73).

Motion carried. Ayes-5 Nays-0.

Fireworks – Act 43 of 2017

As summarized in item #9 of the manager's report, Fire Chief Hoff reported on increased concerns he has seen associated with the state fireworks legislation Act 43 of 2017 that allowed for bigger fireworks to be commercially sold in Pennsylvania as well as taking away the local municipalities ability to control of fireworks discharge. Police Chief Lash also reported on an increased number of complaints since the legislation was passed. Diane Giuffrida, 745 Maurice Street, was present to express concern over the fireworks being discharged in residential areas. After further discussions, Ms. Brennan made a motion, seconded by Ms. McCune, to authorize the township manager to send letters to local legislatures expressing the board's concern over the safety of fireworks and the burden it places on emergency services.

Motion carried. Ayes-5 Nays-0.

Additionally, Solicitor Young requested Police Chief Lash forward any fireworks ordinances he may have available from other municipalities NYCRPD serve.

Board Road Sewer Improvements

As summarized in item #10 of the manager's report, Engineer Treglia provided details on the proposed Board Road sewer improvements and indicated the desire to have completed in advance of the PennDOT Board Road improvements scheduled for 2022. Ms. Brennan made a motion, seconded by Mr. Inch, to authorize the staff and engineer to advertise and bid the sewer main and sewer manhole replacement project on Board Road (south of May Road).

Motion carried. Ayes-5 Nays-0.

Emigsville Curb/Sidewalk Project – 2020 CDBG Program

As summarized in item #10 of the manager's report, Engineer Treglia reported on the township's receipt of approval to move forward with the 2020 Community Block Grant Program from York County Planning Commission in relation with the Emigsville curb/sidewalk project. Mr. Brandstedter made a motion, seconded by Ms. McCune, to authorize the township engineer to finalize design and prepare bidding documents for the Emigsville curb/sidewalk improvement project in relation to the 2020 CDBG grant authorization.

Motion carried. Ayes-5 Nays-0.

Cousler Park July 5, 2021 Incident

Police Chief Lash provided information related to the shooting incident that occurred on July 5, 2021 at Cousler Park. Mr. James reported on the temporary removal of basketball rims as recommended by Chief Lash.

RECOGNITION OF PUBLIC PRESENT

In accordance with Act 93 of 1998 (Sunshine Law), Ms. Wingert recognized any participants who wished to address the board.

Scott Stewart, 3025 Whitehurst Court, was present to question the purchase of a new street sweeper by the township.

MANAGER'S REPORT

Item #10 - Engineer Treglia reported on upcoming bridge improvements and the budgeting implications pending which funds were utilized to pay for the engineering and improvements.

Item #12 - Mr. James reported on the distribution of the 2020 audited financial report to the board members.

OTHER BUSINESS/REPORTS

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

Ms. Brennan expressed concern on the need for clarification related to the "open" items list in associated with plan consideration at the board level. After a lengthy discussion, the board directed staff to develop a breakdown on "open" items for future submissions.

Solicitor Young provided notice on the potential consideration of the abandonment of a portion of Shady Lane to be presented by a developer at a future board meeting.

APPROVAL OF VOUCHERS

Ms. Brennan made a motion, seconded by Mr. Brandstedter, to approve the payments of the vouchers as listed on the Treasurer's Checks Vouchers Lists: June 9 – 22; June 23 – July 13, 2021.

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,



Timothy R. James, Secretary

TRJ/jas