

MANCHESTER TOWNSHIP BOARD OF SUPERVISORS

May 13, 2014

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, May 13, 2014, which was called to order at 7:00 p.m. by Chairperson 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, Asst. Secretary
David C. Keiter, 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. Brandstedter, to approve the minutes of the April 8, 2014 meeting with correction to Page 2 – Cell Tower-Cousler Park second sentence should read “Mr. Keiter stated that unless a municipality built and maintains a tower they could not own said facility”. Motion carried. Ayes-5 Nays-0.

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 Supervisor 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 YAUFR Chairperson William Schenck confirming acceptance of the membership consideration request. Chief McCoy presented the board with a draft memorandum of understanding between YAUFR Commission and Manchester Township in an attempt to begin negotiations for Manchester Township to become a charter member of YAUFR. On December 10, 2013 the board adopted a resolution that Manchester Township move forward with negotiations with the YAUFR 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). Chief McCoy distributed additional information relative to the proposed agreement of which would end in December 1, 2017. Mr. Brandstedter questioned why the process could not be done in a quicker time frame. Manchester Township Career Fire Fighter Association President Anthony Sawyer expressed concern of the lack of notification time to given to the fire fighters on the proposed agreement.

After further discussion Mr. Hauck made a motion, seconded by Mr. Wingert to authorize 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. Motion carried Ayes-4 Nays-1 (Brandstedter opposed).

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 a valuation service. 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.

Cell Tower – Cousler Park

As summarized in item #4 of the manager's report, Mr. James reported back to the board on previous questions related the proposed cell tower site at Cousler Park. Mr. Keiter stated that unless a municipality built and maintain a tower they could not own said facility. Mr. James stated he discussed location options with Network Building and Consulting, LLC, and was informed the Cousler Park site would be the only location to serve Verizon Wireless' needs. Representatives from Network Building and Consulting, LLC, Verizon Wireless and Centell, Inc. (representing Sprint) were in attendance to answer questions and concerns of the board. Mr. James Kohr, 971 Church Road, expressed concern of constructing a cell tower on the original tract of land donated by Morgan Cousler believing doing so would have gone against Mr. Cousler's intentions, he requested that if the board agreed to a cell tower, they only allow on land which the township purchased. Laura Frazier, 1085 Dandelion Drive expressed concern with the proposed cell

tower concept on park property for various reasons and suggested seeking other providers and experts feedback on the proposal. Dr. and Mrs. Taylor, 2626 Hummel Drive, expressed concern of the potential health risks of such an installation. Solicitor Keiter reported that federal regulations do not allow for such installations to be rejected for perceived health risks. Following various discussions, concerns and suggestions expressed by attendees the board asked the staff to meet with Verizon Wireless representatives and analyze other sites within Cousler Park and specifically out of the originally donated Cousler Tract and report findings at a future meeting.

York County Planning Commission – Chesapeake Bay Plan

As summarized in item #5 of the manager's report, Zoning/Planning Officer Olewiler acting as the township Municipal Separate Storm Sewer System (MS-4) Coordinator presented the board with proposed funding scenarios relative to the County of York's Chesapeake Bay Pollution Reduction Plan partnership. At the March 11, 2014 meeting, Mr. Olewiler explained it is a requirement of the Pennsylvania Department of Environmental Protection and the US Environmental Protection Agency that all MS-4 communities develop a plan, of which the County of York is preparing to have as many municipalities partner in a county plan for cost benefits and plan consistency. Mr. James reported that Mr. Olewiler communicated that on March 26, 2014 the majority of the Chesapeake Bay group agreed on a "flat fee" funding scenario. Mr. Brandstedter requested additional research on seeking municipal partners outside the Chesapeake Bay group to look for more cost effective options.

NEW BUSINESS

Lutheran Social Services – Tax Exempt Financing

As summarized in item #6 of the manager's report, as required by the Internal Revenue Code of 1986 the municipality for which a health facility is located that is seeking public funds for capital improvements must approve the process.

Mr. Brosend made a motion, seconded by Mr. Wingert, to authorize the City of York General Authority to utilize tax exempt financing for capital improvements to the Lutheran Social Services of South Central Pennsylvania facilities at The Village of Sprenkle Drive. Motion carried. Ayes-5 Nays-0.

Joint Line Painting Contract

As summarized in item #8 of the manager's report, Mr. Hauck made a motion, seconded by Mr. Brandstedter to award the 2014/2015 line painting/pavement markings Manchester Township portion of the base bid contract to D.E. Gemmill, Inc. of Red Lion, Pennsylvania. Motion carried. Ayes-5 Nays-0.

Emergency Bypass Pumping – DEP

As summarized in item #9 of the manager's report, Mr. James reported that Public Works Superintendent Goodyear had collected data during the four inch (4") 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 also reported that a meeting has been scheduled with DEP representatives for May 19, 2014 seeking further guidance on the matter.

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.

Gary Markle, 2445 Brandywine Lane, was present to express ongoing concern for actions that are occurring at 2434 Brandywine Lane. Mr. Markle described numerous phone calls to Northern York County Regional Police for noise, dogs off property, and running a business out of a home without permission. Nearby residents Dick Enterline, 510 Bayberry Drive; Joe DeLise, 1964 Brandywine Lane; Eric Hess, 2446 Brandywine Lane; and Edna Repman, 2440 Brandywine Lane, all reported examples of problems in dealing with the residents of 2434 Brandywine Lane. Mr. Wingert stated he would report these concerns to Police Chief Bentzel at the next Northern York County Regional Police Commission meeting. Solicitor Keiter stated that the township is doing what they can within township ordinances. Mr. Markle reiterated the group's concern with this matter.

James Sliver, 10 Central Avenue, questioned the need for an executive session for the York Water Company/township sanitary sewer negotiations. Mr. Sawyer suggested placing approved minutes on the township website. The board by consensus directed the staff to begin including approved board of supervisors meeting minutes on the township website.

MANAGER'S REPORT –

Item #13 - Mr. James reported notification that road improvement plans within the 2015-2018 York County Transportation Improvement Program include the Church Road corridor in the area of Interstate 83.

Item #18 - 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 June 9 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 2011 annual report. Mr. Treglia distributed a May 8, 2012 summary sheet that included the items that had been accomplished during the 2011-2012 reporting period. He reported that although the original NOI would have expired on March 9, 2008, DEP, in a November 2011 letter, had administratively extended the expiration of the NOI until March 15, 2013. Mr. Treglia reported the renewed general permit took effect on March 16, 2013. 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 September 11, 2007 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.

OTHER BUSINESS/REPORTS

Mr. James reported that Engineer Treglia had submitted the May 13, 2014 Engineer’s Report.

Mr. James reported that Fire Chief McCoy had submitted the April 2014 monthly report.

Mr. James reported the 2013 Recreation and Parks annual report had been submitted by Recreation Director Ericson.

APPROVAL OF VOUCHERS

Mr. Hauck made a motion, seconded by Mr. Wingert, to approve the payment of the vouchers as listed on the Treasurer’s Checks Vouchers List: April 9 - 22; April 23 - May 6 and May 7 - 13, 2014. Motion carried. Ayes-5 Nays-0.

ADJOURNMENT

Being no further business, Mr. Hauck made a motion to adjourn the meeting at 10:11 pm.

Respectfully submitted,



Timothy R. James, Secretary

TRJ/dkm

