

**MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS**

July 8, 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, July 8, 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
Stewart S. Olewiler, Zoning Officer
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. Wingert made a motion, seconded by Mr. Brandstedter, to approve the minutes of the June 10, 2014. 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 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). 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. 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. No updated information was reported.

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. James Sliver, 10 Central Avenue,

expressed concern why the township would consider selling the sanitary sewer system and public input on the potential process.

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 to the proposed cell tower site at Cousler Park have been answered by representatives from Verizon Wireless and the alternate sites within the park are satisfactory to cell tower needs. Laura Frazier, 1085 Dandelion Drive, expressed concern with the location of the proposed tower and stated her preference would be not to have one located on Cousler Park. Mr. Brandstedter questioned if consideration would be given if a cell tower was offered at an off-park location (Hepplewhite Retention Pond) with 50% if the revenue donated to the township. Christine Roberts, 1015 Dandelion Drive, expressed concern of having to see the tower from her home and potentially impacting property values. Mr. Brosend expressed concern of impacting the park for at least 20 years in the future with the construction of a cell tower and would be against a tower at any location on Cousler Park. After further discussions, Mr. Wingert made a motion to enter into a lease agreement with Verizon Wireless to construct an 180' cell phone tower including terms that the township would be paid \$20,000 annually; 2.5% annually escalator; and \$150 a month co-locator fee for additional cell companies; to be located in the wooded area close to Pavilion T in Cousler Park. After further discussion the motion was amended by Ms. Wingert to change to location to the area adjacent to Field #15, Mr. Brandstedter seconded that motion. Ayes – 2 and Nays - 3 (Brandstedter, Brosend and Mr. Wingert opposed). Motion denied. Mr. Wingert clarified his understand of previous motion and offered a follow-up motion to enter into a lease agreement with Verizon Wireless to construct an 180' cell phone tower including terms that the township would be paid \$20,000 annually; 2.5% annually escalator; and \$150 a month co-locator fee for additional cell companies, but locate a proposed tower in the northwestern corner of the park adjacent to the Jehovah Witness tract, Mr. Hauck seconded the motion. The motion carried. Ayes-3 Nays-2 (Brosend and Brandstedter opposed).

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. Olewiler updated the board on the steering committee's June 30, 2014 meeting, including the possibility of that the board may need to take action to Opt-in or Opt-out of the plan by August 31, 2014. Mr. Brandstedter requested additional research on seeking municipal partners outside the Chesapeake Bay group to look for more cost effective options in the event to pay the township's proper share.

Emergency Bypass Pumping – DEP

As summarized in item #7 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. Brandstedter made a motion and seconded by Mr. Hauck to accept modified corrective action plan and submit plan to DEP. Motion carried. Ayes-5 Nays-0. Mr. James requested the board consider additional legal counsel related to DEP Corrective Action Plan response. By consensus the board authorized the use of legal counsel related to DEP Corrective Action Plan.

NEW BUSINESS**2014 Financial Matters**

As summarized in item #8 of the manager's report, Mr. James reported mid-year 2014 un-reconciled general fund revenues are running at 57% of budget, with expenditures running at 42%. Mr. James reported that there were no indications that budget adjustments would be necessary at this point.

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 #9 - Mr. Brandstedter made a motion, seconded by Mr. Hauck, to authorize the board chairperson or vice-chairperson to execute stormwater operation and maintenance agreement for related to construction of detached garage for residence at 105 Riding Silks Lane. Motion carried. Ayes-5 Nays-0.
- Item #12 - The board directed the staff to respond to stormwater complaints by obtaining the residence name, address and phone number; investigate if the issue is private or public instigated; suggest engineering assistance for private matters at resident's cost; and only engage assistance if issue is developed within municipal rights of way.

- Item #13 - Mr. James reported that Standard and Poor's Rating Service has increased the township's credit rating from "AA-" to "AA".
- Item #28 - Mr. Brandstedter made a motion, seconded by Mr. Hauck, to reject the bid for the sanitary sewer main replacement projects on Caspian Drive (Manhole #271 to #272); Stonehenge Drive (Manhole #356 to #357); Wicklow Drive (Manhole #342 to #344 and Lateral at #1389); Brafferton Court (Manhole #122 to #122A); and Sorrel Street (Manhole #393 to #394) and bid in 2015 due to receiving only one bid (E.K. Services, Inc.) that was 20% above estimate. Ayes-5 Nays-0. Motion carried.
- Item #32 - Mr. Hauck made a motion, seconded by Mr. Brandstedter, to approve a request to close Brandywine Lane/Kayla Boulevard from Stillmeadow Lane to Greenbriar Road on October 25, 2014 from 9 – 10:30 am for a 5K-road race sponsored by Joyful Noise Preschool/Zion Lutheran Church and to approve the utilization of Fire Police for the event. Motion carried. Ayes-5 Nays-0.
- Item #34 - Mr. Hauck made a motion, seconded by Mr. Wingert, to authorize the solicitor to develop and advertise an update to the township code of ordinances to include the establishment of a truck restriction on North Point Drive to Masonic Drive; and a 35 MPH speed limit zone for Crooked Wind Land Lewisberry Road to Millcreek Road. Motion carried. Ayes-5 Nays-0.

OTHER BUSINESS/REPORTS

Mr. James reported that Engineer Treglia had submitted the July 8, 2014 Engineer's Report.

Mr. James reported that Fire Chief McCoy had submitted the June 2014 monthly 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: June 11 - 17, June 18 - 24, June 25 - July 1, and July 2 - 8, 2014. Motion carried. Ayes-5 Nays-0.

ADJOURNMENT

Being no further business, Mr. Hauck made a motion to adjourn the meeting at 8:47 pm.

Respectfully submitted,



Timothy R. James, Secretary

