

**MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS**

August 12, 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, August 12, 2014, which was called to order at 7:00 p.m. by Chairperson Wingert.

PARTIES PRESENT

Lisa D. Wingert, Chairperson	Timothy R. James, Manager/Secretary
Delmar L. Hauck, Vice-Chairperson	Debra K. McCune, Asst. Secretary
Kenneth D. Wingert, Supervisor	Stewart S. Olewiler, Zoning Officer
David K. Brosend, Supervisor	David C. Keiter, Esq., Solicitor
Rodney K. Brandstedter, Supervisor	Terry Myers, 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. Brandstedter made a motion, seconded by Mr. Hauck, to approve the minutes of the July 8, 2014 meeting. 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 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 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. J.T. Hand, Vice-President of the York

Water Co. was in attendance to formally present York Water Company's interest in the purchase of the township sanitary sewer system. Mr. Hand reported on the history of the York Water Company, proposed maintenance programs, rate procedures and York Water Company's philosophy on expanding into the sanitary sewer business. Laura Frazier 1085 Dandelion Drive, questioned if residents would anticipate a change in service. Mr. Hand stated they would not. James Sliver, 10 Central Avenue, expressed concern how rates would be established and if the public would have an opportunity to ask specific questions regarding the proposed transaction. Mr. James responded that there would be public meeting(s) that would be scheduled at the appropriate time. Mr. Brandstedter made a motion, seconded by Mr. Hauck, to authorize the chairperson, vice-chairperson or appropriate member to meet with York Water Company to negotiate a proposal for board consideration and future public feedback. Motion carried. Ayes-5 Nays-0.

York County Planning Commission – Chesapeake Bay Plan

As summarized in item #4 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 responded that with additional time in seeking municipal partners outside the Chesapeake Bay group would be more cost effective option in the event to pay the township's proper share. Mr. Hauck made a motion, seconded by Mr. Wingert, to approve Resolution #2014-10 authorizing Manchester Township to "opt-in" to the intergovernmental agreement with the York County Regional Chesapeake Bay Pollution Reduction Plan developed by the York County Planning Commission for a period of five years. Motion carried. Ayes-4 Nays-1 (Brandstedter opposed). Mr. Hauck made a motion, seconded by Mr. Brosend, to authorize Mr. Olewiler be named township representative and Mr. James be named alternate to the York County Chesapeake Bay Plan Committee. Motion carried. Ayes-5 Nays-0. In addition, Mr. Wingert made a motion, seconded by Mr. Brandstedter, to authorize the solicitor to advertise the proposed intergovernmental agreement ordinance for future board consideration. Motion carried. Ayes-5 Nays-0.

Emergency Bypass Pumping – DEP

As summarized in item #6 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. Township special counsel to DEP, Attorney John Mahoney was in attendance to brief the board on the latest dealings with DEP related to corrective action plan response to bypass pumping activities. Mr. Mahoney reported that DEP appears to be willing to be flexible in the township's corrective action response and potential consent order agreement due to ongoing investigation and complicated discussions with the York City Sewer Authority related to interceptor upgrades. 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. After further discussions, Mr. Wingert made a motion, seconded by Mr. Brandstedter, to authorize and direct Attorney Mahoney (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. Motion carried. Ayes-5 Nays-0.

Mr. Wingert dismissed himself from the meeting at 8:07 pm.

2014 Financial Matters

Mr. James reported that there were no indications that budget adjustments would be necessary at this point.

NEW BUSINESS

CPA Appointment Notice Authorization

As summarized in item #23, Mr. Brosend made a motion, seconded by Mr. Brandstedter, to authorize that the appropriate legal advertisement be placed in compliance with Section 917 (b) of the Pennsylvania Second Class Township Code to provide the thirty (30) day public notice of the board's intent to appoint Kochenour, Earnest, Smyser & Burg, CPA at the October 14, 2014 board meeting to prepare the 2014 audit/financial report at the quoted fee of \$14,350. Motion carried. Ayes-4 Nays-0. Mr. Brandstedter questioned if it was possible to negotiate a three year term for

auditing services. Mr. Keiter stated that it was a second class township requirement to appoint a firm to audit annually, but was not clear on multi-year agreements. The board by consensus requested future auditing services go through the request for proposal bidding process.

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 #8 - Mr. James reported that Northern York County Regional Police Department (NYCRPD) had completed a speed study on Harvest Drive as requested by the board. Mr. James reported the information showed a low enforcement rate, but the board expressed concern why the enforcement rate was set at 14 MPH over the speed limit. Mr. James stated he would request a response from NYCRPD on the enforcement level and report back to the board. Jamie Tracey, 550 Woodland View Drive also expressed concern why the enforcement rate was set that high.
- Item #12 - Mr. James reported good feedback from the recreation commission sponsored Summer Fun Festival on August 2, 2014. Mr. Brandstedter suggested that the commission consider adding more games for next year.
- Item #14 - Mr. Hauck made a motion, seconded by Mr. Brosend, to appoint Clint Roberts, 1015 Dandelion Drive, to fulfill Jeffrey Arnold's term on the zoning hearing board due to Mr. Arnold's July 31, 2014 resignation. Motion carried. Ayes-4 Nays-0.
- Item #18 - Mr. James reported his participation in a feasibility study committee relative to county-wide stormwater authority concept.
- Item #22 - Mr. Hauck made a motion, seconded by Mr. Brandstedter, to adopt Ordinance #2014-02 to update 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 Lane from Lewisberry Road to Millcreek Road. Motion carried. Ayes-4 Nays-0.

OTHER BUSINESS/REPORTS

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

Mr. James reported that Fire Chief McCoy had submitted the July 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: July 9 - 15, July 16 - 22, July 23 - 29, and July 30 - August 12, 2014. Motion carried. Ayes-4 Nays-0.

ADJOURNMENT

Being no further business, Mr. Hauck made a motion to adjourn the meeting at 8:31 pm.

Respectfully submitted,



Timothy R. James, Secretary

TRJ/jas