

**MANCHESTER TOWNSHIP  
BOARD OF SUPERVISORS**

**February 10, 2015**

**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, February 10, 2015, 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
David K. Brosend, Supervisor	David C. Keiter, Esq., Solicitor
Rodney K. Brandstedter, Supervisor	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 January 5, 2015 reorganization meeting. Motion carried. Ayes-4 Nays-0.

Mr. Hauck made a motion, seconded by Mr. Brandstedter, to approve the minutes of the January 5, 2015 meeting, with the correction to Page 4 – under Manager's Report Item #20: 'Mr. Hauck made a motion, seconded by Mr. Brandstedter...' Motion carried. Ayes-4 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 YAUF. Mr. James reported that following Manchester Township Board of Supervisors action on January 3, 2012 to request membership consideration by the YAUF Commission, Ms. Wingert received a January 27, 2012 letter from YAUF Chairperson William Schenck confirming acceptance of the membership consideration request. Chief McCoy presented the board with a draft memorandum of understanding between YAUF Commission and Manchester Township in an attempt to begin negotiations for Manchester Township to become a charter member of YAUF. On December 10, 2013 the board adopted a resolution that Manchester Township move forward with negotiations with the YAUF Commission in an attempt to consolidate the fire service in the future. Chief McCoy reported that on April 15, 2014 the YAUF Commission approved a proposed agreement be offered to Manchester Township for consideration for an immediate identity transfer from Manchester Township to YAUF; for continued chief management services and including payroll services beginning January 1, 2015 for \$4,500 monthly (beginning in 2015). On May 13, 2014 the board authorized the chairperson or vice-chairperson to execute the YAUF 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. Ms. Wingert reported she attended the latest YAUF Strategic Planning meeting on October 21, 2014.

#### **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. at the August 12, 2014, formally presented to the board of supervisors 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. On August 12, 2014 the board authorized the chairperson, vice-chairperson or appropriate member to meet with York Water Company to negotiate a proposal for board consideration and future public feedback. Mr. Brosend stated that due to his employment obligations, he will recuse himself from any board action that may occur related to York Water Company's pursuance of the township sanitary sewer system. Mr. James reported that Supervisors Lisa Wingert and Hauck met with Mr. Hand to apprise him that the board agreed to continue negotiations at a reasonable pace.

#### **Emergency Bypass Pumping – DEP**

As summarized in item #4 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. 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. On September 9, 2014 the board authorized Attorney Mahoney to (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. Attorney Mahoney reported that he submitted a draft Consent Order and Agreement to the board for review. Mr. James reported that Attorney Mahoney submit the draft Consent Order and Agreement to DEP in mid-December. Attorney Mahoney and Engineer Terry Myers were present to review the draft Consent

Order and Agreement with the board. After discussions, the board by consensus authorized the draft Consent Order and Agreement developed by Attorney Mahoney be forwarded to DEP for consideration. The board also by consensus directed township staff to utilize bypassing activities in events that require doing so.

**Ordinance #2015-02 - 2010 General Obligation Bond Refinance**

As summarized in item #5 of the manager's report, Chris Gibbons of Concord Public Financing and Scott Mehok of Eckert Seaman Cherin and Mellott, LLC were present to present bond refinancing bids from the February 10, 2015 bond auction. Mr. Gibbons reported that FTN Financial Capital Markets of Memphis, TN submitted the low rate which would save the township \$369,375 actual savings with the refinance. Mr. Hauck made a motion, seconded by Mr. Brandstedter, to authorize the refinance of the 2010 General Obligation Bond to be sold to FTN Financial Capital Markets of Memphis, TN at a savings of \$369,375.00. Motion carried. Ayes-3 Nays-0. Mr. Brosend abstained due to potential professional conflict.

**NEW BUSINESS**

**Susquehanna Real Estate – Preliminary/Final Subdivision – Review #2014-06**

Todd Kurl of RGS Associates was present to present the preliminary/final subdivision creating three (3) lots out of one (1) existing lot for residential purposes of 10.413 acres long along the west side of the 2800 block of Susquehanna Trail North in a Residential Low Density (RL) zoning district. Mr. Kurl reported that this lot currently has two (2) single family detached dwellings on it and the plan would create separate lots for each homes.

Mr. Hauck made a motion, seconded by Mr. Brandstedter, to approve the waiver below:

W1) From Section 27-303 for submission of this final plan without an approved preliminary plan.

Motion carried. Ayes-4 Nays-0.

Mr. Hauck made a motion, seconded by Mr. Brandstedter, to approve the preliminary/final subdivision plan for Susquehanna Real Estate, 2800 Susquehanna Trail North based on the completion of open items.

Motion carried. Ayes-4 Nays-0.

**RG Group – Final Land Development Plan – Review #2015-02**

Bob Sandmeyer of Site Design Concepts, was present to present the final land development plan for the RG Group's 23,164 square foot addition to an existing 22,237 square foot facility located at the northwestern terminus of Flour Mill Road West in an Industrial (I) zoning district. Mr. Sandmeyer reported the addition will increase storage capabilities and allow for current operations to spread out.

Mr. Hauck made a motion, seconded by Mr. Brosend to approve the waivers below:

- W1) From Section 26-131K to permit storm water management facilities within a building setback.
- W2) From Section 26-138C (1) to permit side slopes of a storm water management facility greater than 4:1.
- W3) From Section 26-124.5 to permit a storm water management facility to have a depth of greater than 6 feet.

Motion carried. Ayes-4 Nays-0.

Mr. Hauck made a motion, seconded by Mr. Brosend, to approve the final land development plan for the RG Group, northwestern terminus of Flour Mill Road based on the completion of the open items.

Motion carried. Ayes-4 Nays-0.

### **2015 Street Construction Schedule**

As summarized in item #7 of the manager's report, Mr. James and Engineer Treglia reviewed the proposed 2015 street construction and resurfacing projects.

Engineer Treglia explained the number of actual projects which will be completed during the construction season will be affected by: a) prevailing wage rate applicability as identified in the January 12, 2009 letter from James A. Holzman, Deputy Chief Counsel of Governor's Office of General Counsel; b) any price increases in bituminous materials and stone which may occur at the annual contract bid opening which is scheduled to occur at 10:00 am on March 24, 2015; c) delays in resolving right-of-way or utility pole relocation issues; d) the amount spent for winter maintenance materials and equipment rental; and, e) the amount of Highway Aid funds which are actually received from PennDOT.

Mr. Brandstedter made a motion, seconded by Mr. Hauck, to approve the following list of streets identified in item #7 of the manager's report as the 2015 Highway Aid construction projects, and to authorize the staff to notify PennDOT about which projects will be funded by the 2015 Highway Aid (Liquid Fuels) Fund:

a)	Susq. Trail	Cemetery to Raintree Rd.	Paving	\$ 75,615
b)	Farmtrail Rd.	Church Rd. to Farmbrook Ln.	Paving	\$129,570
c)	Stonehenge Dr.	Brittany Dr. to transition prior to Wicklow Dr.	Base Repair	\$ 47,025
d)	Sinking Springs Ln.	Susq. Trail to N. George St.	Base Repair	\$ 43,740
e)	Brittany Dr.	Greenbriar Rd. to Stonehenge Dr.	Resurface	\$ 20,790
f)	Brandywine Ln.	Stillmeadow Ln. to Bayberry Dr.	Resurface	\$ 20,536

g)	Edinburgh Rd.	Sinking Springs Ln. to Locust Ln.	Resurface	\$ 15,827
h)	Harvest Dr.	Woodmont Dr. to transition	Resurface	\$ 13,374
i)	Longview Rd.		Resurface	\$ 6,754
j)	N. Point Dr.	Masonic Dr. to cul-de-sac	Resurface	\$ 11,104
k)	Point Circle		Resurface	\$ 5,458

Motion carried. Ayes-4 Nays-0.

**Resolution #2015-06 – Public Works Department Equipment Rental Rates**

As summarized in item #8 of the manager's report, Mr. Hauck made a motion, seconded by Mr. Brandstedter, to adopt a resolution that establishes the 2015 equipment rental and labor rates for use of township-owned equipment or personnel by other municipalities or parties with the rates and descriptions being consistent with the current Federal Emergency Management Agency (FEMA) approved hourly rates for public works equipment. Motion carried. Ayes-4 Nays-0.

**York County Joint Fuel Purchasing 2015-2016**

As summarized in item #9 of the manager's report, Mr. Brandstedter made a motion, seconded by Mr. Brosend, to authorize participation in the York County Joint Fuel Purchasing program for 2015-2016. Motion carried. Ayes-4 Nays-0.

**Fire Police Authorization**

As summarized in item #10 of the manager's report, Mr. Brosend made a motion, seconded by Mr. Hauck, to approve the January, 2015 Alert Fire Company Fire Police roster submitted by Fire Chief McCoy. Motion carried. Ayes-4 Nays-0.

**Lamar Billboard Lease**

As summarized in item #11 of the manager's report, Mr. James reported Lamar Outdoor Advertising has submitted a request for two-year lease renewals for outdoor advertising signs on township-owned properties located at Stillmeadow Park and the I-83 Industrial Park facility. Mr. James reported the lease renewal offers from Lamar Outdoor Advertising to the township was \$1,800 annually for the Stillmeadow Park location and \$1,500 plus 35% of revenue collected for the I-83 Industrial Park board. Mr. Brandstedter suggested the staff negotiate with Lamar Outdoor Advertising for higher fees since the current rates have been in place for at least four (4) years. The board by consensus directed staff renegotiate terms for future board consideration.

**Sewer Capacity Transfer**

As summarized in item #12 of the manager's report, Mr. Hauck made a motion, seconded by Mr. Brandstedter, to approve the sanitary sewer transfer requests:

- a) Transfer of 2,100 GPD of York City Wastewater Treatment Plant capacity from Wagman, Inc. to Leg Up Farms.
- b) Transfer of 300 GPD of Dover Township Wastewater Treatment Plant capacity from Dan Beard to Jason Barshinger, 1150 Millcreek Road.
- c) Transfer one (1) EDU (350 GPD) of York City Wastewater Treatment Plant from Manchester Township to Susquehanna Real Estate, 2800 block of Susquehanna Trail North.

Motion carried. Ayes-4 Nays-0.

#### **Stormwater Operation and Maintenance Agreement**

As summarized in item #13 of the manager's report, Mr. Brandstedter made a motion, seconded by Mr. Hauck, to authorize the board chairperson or vice-chairperson to execute the stormwater operation and maintenance agreement for Kinsley Equities II, L.P., for stormwater operation and maintenance agreement relative to site improvements at New Brittany II for Phases 2, 3, 4 and 5 due to update in MPDES permit that effects properties relative to an improved stormwater facility. Motion carried. Ayes-4 Nays-0.

#### **Resolution #2015-07 – Traffic Signal Improvement Agreement**

As summarized in item #14 of the manager's report, Mr. Brandstedter made a motion, seconded by Mr. Brosend, to approve Resolution #2015-07 authorizing township staff to submit a PennDOT application seeking approval for traffic signal improvements at Susquehanna Trail and Lightner Road – Gwen Drive relative to Rutter's Farm Store #15 Final Land Development Plan. Motion carried. Ayes-4 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.

#### **MANAGER'S REPORT –**

- Item #15 - Mr. James distributed a proposal for audit services of the Comcast Franchise Fee by the Cohen Law Firm at a flat rate of \$3,900. Mr. James reported that currently eleven (11) municipalities have agreed to participate in the audit reducing the fee to \$3,900. Mr. James also reported that the township is in year 5 of a 10 year agreement with Comcast for franchise fees. Mr. Brandstedter agreed an audit should be performed but questioned if an audit could be completed with the Cohen Law Firm on a contingency basis (on a percentage of recovered fees). The board requested Mr. James contact the Cohen Law Firm to investigate a contingency fee audit possibility.
- Item #20 - Mr. James reported that Zoning/Planning Officer Olewiler with assistance from Public Works Superintendent Goodyear completed the compilation of information for the three (3) annual wasteload management reports

(Chapter 94) for 2014 which is required by Pennsylvania Department of Environmental Protection.

- Item #25 - Engineer Treglia reported that bid openings for the 2015 sanitary sewer projects will occur on February 17, 2015.
- Item #36- Mr. James reminded board members the "Statement of Financial Interest" forms as required by the Pennsylvania Public Officials and Employees Ethics Law of 1978 must be completed and filed with the municipal secretary by May 1, 2015.
- Item #40- Mr. James reported receiving notification from Manchester Township Emergency Management Deputy Coordinator that the biennial Three Mile Island emergency response drill that is observed by the Federal Emergency Management Agency will be held on Tuesday, April 14, 2015 at the municipal complex.
- Item#41- Mr. Brandstedter made a motion, seconded by Mr. Hauck, to approve Resolution #2015-08 to authorize the manager to accept the January 14, 2015 quotation for a five (5) year lease-purchase of \$33,043.84 annually through Fulton Leasing Company for the lease-purchase of a 2015 Peterbilt 348 Dump Truck with a Galion 453 Stainless-steel bed and Viking snow plow through the Pennsylvania COSTARS cooperative purchasing program from Hunter Keystone Peterbilt/Lancaster Truck Bodies, Inc., Lancaster, PA.

Motion carried. Ayes-4 Nays-0.

#### **EXECUTIVE SESSION (York Water Co. Negotiations)**

Chairperson Wingert called the board for adjournment to executive session from 8:48 – 9:15 pm to discuss York Water Company – Township Sanitary Sewer offer negotiations.

#### **OTHER BUSINESS/REPORTS**

Mr. James reported that Fire Chief McCoy had submitted the January 2015 monthly report.

Mr. James reported that Engineer Treglia had submitted the February 10, 2015 engineer's report.

#### **APPROVAL OF VOUCHERS**

Mr. Hauck made a motion, seconded by Mr. Brosend, to approve the payment of the vouchers as listed on the Treasurer's Checks Vouchers List: January 6 – 13; January 14 – 27; January 28 – February 10, 2015. Motion carried. Ayes-4 Nays-0.

**ADJOURNMENT**

Being no further business, Mr. Hauck made a motion to adjourn the meeting at 9:16 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. James', written over the printed name.

Timothy R. James, Secretary

TRJ/jas

