

**MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS**

April 14, 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, April 14, 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
Kenneth D. Wingert, Supervisor	David C. Keiter, Esq., Solicitor
David K. Brosend, Supervisor	B.J. Treglia, P.E., C.S. Davidson, Inc.
Rodney K. Brandstedter, Supervisor	Stewart S. Olewiler III, Zoning/Planning

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 March 10, 2015 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). 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. Chief McCoy reported that a meeting was held on April 14, 2015 with union representatives of both Manchester Township Department of Fire Services and YAUFRC to begin discussions related to collective bargaining agreements.

York Water Company – Sewer Collection System
Executive Session – 7:07 – 7:20 p.m.

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. After executive session discussions related to negotiations, Mr. Wingert made a motion, seconded by Mr. Hauck, to refer the information relative to negotiations of the York Water Company's offer to the Manchester Township Municipal Authority for a recommendation. Motion carried. Ayes-4 Nays-0 (Brosend abstained).

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 on February 10, 2015. Mr. James reported that Attorney Mahoney has been informed by DEP that they are not satisfied with the current status of the meter readings and have requested a technical meeting in April to possibly consider an interceptor upgrade project sooner than anticipated, but has not received confirmation on meeting date.

Parking Restriction Studies – Blackgum/Blackthorne Courts and Masonic Drive

As summarized in item #5 of the manager's report, Mr. James reported that the ELA Group, Inc. had completed parking restriction studies on Blackgum and Blackthorne Courts, as well as Masonic Drive. Traffic Engineer Mark Henise recommended No Parking signs be posted on both sides of Blackgum and Blackthorne Courts; and on the north side of Masonic Drive to create a continuous No Parking zone between North George Street and existing No Parking zone on the east side of the Homewood Suites driveway. Mr. Hauck made a motion, seconded by Mr. Brandstedter, to authorize the solicitor advertise an ordinance to establish parking restriction on both sides of Blackthorne and Blackgum Courts; as well as extending the No Parking zone on the north side of Masonic Drive from North George Street to east of the Homewood Suites driveway. Motion carried. Ayes-5 Nays-0.

NEW BUSINESS

Leg Up Farmers Market, LLC – Review #2015-01

Joshua George, P.E. of Site Design Concepts, Inc. was present to present a preliminary/final land development plan for a 16,030 square foot additional commercial building on 22.7 acres located along the west side of the 3100 block of North George Street in a Commercial zoning district as part of a farmers market. Mr. George reported a traffic impact study was submitted to PennDOT on February 13, 2015 and emphasized that Leg Up Farms will do whatever PennDOT requires for traffic improvements related to the project.

Mr. Hauck made a motion, seconded by Mr. Wingert, to approve the preliminary/final land development plan for Leg Up Farmers Market, LLC at 3100 block of North George Street on completion of open items.

Motion carried. Ayes-5 Nays-0.

Mr. Hauck made a motion, seconded by Mr. Wingert, to approve the board chairperson or vice-chairperson to execute an agreement with Leg Up Farm, Inc., to conditionally approved a final land development plan entitled Leg Up Farmers Market, LLC upon completion on Transportation Impact Study and final inspections by PennDOT and Manchester Township related to project site at 3100 North George Street.

Motion carried. Ayes-5 Nays-0.

D-C Realty Partners, LLC – Review #2015-03

Joshua George, P.E. of Site Design Concepts, Inc. was present to present a final land development plan for a 9,860 square foot medical office building on 1.742 acres located along the east side of the 2800 block of North George Street. Mr. George reported the new facility will contain Hunter's Hill Eye Care and one other leasable space. Mr. George also reported that the final land development plan includes a parking restriction on the south/west side of Hayshire Drive as proposed by traffic engineer study.

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

- W1) From Section 22-801 for submission of this plan without an approved preliminary plan.
- W2) From Section 22-703 to not require concrete curbs on any street frontage.
- W3) From Section 22-705.a.2 to permit an access drive width of 37 feet rather than 35 feet.
- SWM1) From Section 26-131.K to permit a stormwater management facility outside of the building setback lines.
- SWM2) From Section 26-138.1.C(1)c to permit side slopes greater than 4:1. (proposed 3:1)

Motion carried. Ayes-5 Nays-0.

Mr. Hauck made a motion, seconded by Mr. Brandstedter, to approve the final land development plan for D-C Realty Partners, LLC 2811 North George Street on completion of open items.

Motion carried. Ayes-5 Nays-0.

Historic Shady Lane LLC – Waiver Request

As summarized in item #7 of the manager's report, Joshua George, P.E. of Site Design Concepts, Inc. was present to provide details for a waiver request for property at 475 Shady Lane (Historic Shady Lane LLC) to require a land development plan be submitted to Manchester Township and that the board of supervisors sign the aforementioned plan so it can be recorded upon receiving unconditional approval from East Manchester Township. Mr. George reported that the Historic Shady Lane property sits on a parcel of property that is in both Manchester and East Manchester Townships. Mr. George also reported that the use of the property for special events requires the submission for a land development plan in East Manchester Township and that no improvements to the buildings on property will occur with said plan. Zoning/Planning Officer Olewiler stated the Manchester Township Planning Commission reviewed the matter on March 25, 2015 and determined that with no construction proposed with this plan it would not meet the definition of a land development plan stated in Chapter 22 of the Manchester Township Code of Ordinances, thus a submission of a land development plan would not be required. Mr. Wingert made a motion, seconded by Mr. Brandstedter, to authorize the chair or vice-chairperson to execute a waiver for Historic

Shady Lane LLC, 475 Shady Lane, to requirement of the submission of preparing and presenting a land development plan to Manchester Township; and that the board of supervisors sign the aforementioned plan so that it can be recorded upon receiving an unconditional approval from East Manchester Township. Motion carried. Ayes-5 Nays-0.

In addition, Mr. Wingert made a motion, seconded by Mr. Brandstedter, to agree if or when the portion of Shady Lane located in East Manchester Township would be abandoned by East Manchester Township, to require one of the following: 1) Mia Brae Drive would be extended from its current terminus point to connect with Shady Lane as indicated in the Manchester Township Comprehensive Plan; or 2) a cul-de-sac is constructed at the terminus of the public portion of Shady Lane to specifications that would be acceptable by PennDOT, so that Manchester Township does not forfeit the annual liquid fuels for the portion of Shady Lane in Manchester Township (0.6 mile); or if one of the two aforementioned options is not possible, 3) a written and recorded agreement with the person requesting the abandonment encumbering the land of 475 Shady Lane, Manchester, PA 17345 to the payment of annual equivalent of the PennDOT liquid fuels payment to Manchester Township until the extension of Mia Brae Drive to Shady Lane is completed. Motion carried. Ayes-5 Nays-0.

(Mr. Brandstedter dismissed himself from meeting at this time – 7:50 pm).

Northeastern Senior Center

As summarized in item #8 of the manager's report, Jane Deamer, Vice-President of the Northeastern York County Senior Center Board of Directors, was present to make a presentation about the services that the senior center provides to Manchester Township senior citizens and to request the board's continued financial support of the senior center as demand for its services grows. Mr. Hauck suggested the board consider increasing the contribution to the Northeastern Senior Center in 2016 to \$2,500.

Bid Award – 2015 Construction Materials/Equipment Rental Contracts

As summarized in item #9 of the manager's report, Mr. James reported that on March 24, 2015, at 10:00 am, he had opened and read bids from ten (10) bidders for the 2015 construction materials/equipment rental contracts (May 1, 2015-April 30, 2016). He reported that Manager James, Public Works Superintendent Goodyear and Assistant Secretary McCune as well as representatives from five (5) bidders were also present at the bid opening. He reported that the staff had prepared a bid tabulation sheet, and a March 25, 2015 memo from Mr. Goodyear to the board that contained the recommendations about the bid award for crushed aggregate; bituminous concrete; equipment rental; and placement of bituminous concrete.

Mr. Hauck made a motion, seconded by Mr. Brosend, to award the following bids for the 2015 construction materials/equipment rental contracts, for the period May 1, 2015 - April 30, 2016, based on the recommendations contained in Mr. Goodyear's March 25, 2015 memo:

Crushed Aggregate - Items A1-A10 & A10 (FOB Plant and FOB Job Site)-York Building Products, LLC.

Superpave Bituminous Concrete - Items B1-B6 (FOB Plant and FOB Job Site).

York Materials Group, LLC.

Placement of Superpave Bituminous Material - Items C1-C3- Kinsley Construction., Inc.

Furnish and Placement of Micro-surface – Item D1 – Stewart and Tate, Inc.

Base Repair – Item E1 – Kinsley Construction, Inc.

Motion carried. Ayes-4 Nays-0.

Sale of Surplus Items

As summarized in item #10 of the manager's report, Mr. Hauck made a motion, seconded by Mr. Brosend, to authorize the sale of the following surplus items: 1994 Ford Dump Truck (\$20,500); Two (2) Dayton Portable Generator (\$152.50 each); and Homelite 3" Trash Pump (\$102) be sold to respective high bidders through Municibid online auction.

Motion carried. Ayes-4 Nays-0.

Handicapped Parking Request – Robin Hill Circle

As summarized in item #11 of the manager's report, Mr. Brosend made a motion, seconded by Mr. Hauck, to authorize the solicitor to advertise an ordinance to create a handicap parking space at 620 Robin Hill Circle.

Motion carried. Ayes-4 Nays-0.

Stormwater Management Agreement

As summarized in item #12 of the manager's report, Mr. Hauck made a motion, seconded by Mr. Brosend, to authorize the chairperson or vice-chairperson to execute the following stormwater operation and maintenance agreements:

- a) Leg Up Farm, Inc., for stormwater operation and maintenance agreement relative to land development of Leg Up Market LLC, 3100 North George Street.
- b) R.H.R. Inc., for stormwater and maintenance agreement relative to Rutter's Farm Store #15 Fuel Dispensing Modifications and Additions at 125 Lightner Road.
- c) R.H.R. Inc., for stormwater and maintenance agreement relative to Rutter's Farm Store #15 Fuel Dispensing Modifications and Additions at 2125 Susquehanna Trail North.
- d) R.G. Group, for stormwater operation and maintenance agreement relative to improvements at 15 Flour Mill Road West.
- e) John H. Keesee, for stormwater and maintenance agreement relative to installation of swimming pool and patio at 2835 Susquehanna Trail North.

Motion carried. Ayes-4 Nays-0.

Sewer Capacity Transfer

As summarized in item #13 of the manager's report, Mr. Hauck made a motion, seconded by Mr. Brosend, to authorize the board chairperson or vice-chairperson to execute the following acquisition of reserved sewer capacity:

- a) Transfer two (2) EDU (700 GPD) of York City Wastewater Treatment Plant from Manchester Township to D-C Realty Partners, LLC, 2811 North George Street.

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.

Connor Perone, 3537 Riding Club Drive and Troop 54, was present to observe the meeting for his scout communication merit badge.

MANAGER'S REPORT -

Item #15 - Mr. Hauck made a motion, seconded by Mr. Brosend, to authorize the 2015-2016 joint line painting contract to Alpha Space Control as bid and opened by East Manchester Township on April 14, 2015.

Motion carried. Ayes-4 Nays-0.

Item #17 - Mr. Hauck made a motion, seconded by Mr. Wingert, to approve a request from James and Danielle Stemrich for an expansion of a paved surface onto a township sanitary sewer right-of-way at 3405 Raintree Road.

Motion carried. Ayes-4 Nays-0.

Item #24- Mr. James thanked the board for their participation in the training and the biennial Three Mile Island emergency response drill that is observed by the Pennsylvania Emergency Management Agency on Tuesday, April 14, 2015 at the municipal complex.

Item#35- Mr. Brosend made a motion, seconded by Mr. Hauck, to approve the temporary closing of the 1400 block of Garrison Drive on Saturday, May 16, 2015 from 12 to 8 pm for a neighborhood block party.

Motion carried. Ayes-4 Nays-0.

Item #36 Mr. Hauck made a motion, seconded by Mr. Brosend, to establish procedures for the purchase or provision of professional services, including investment, legal, actuarial and other services to comply with Act 44 of 2009.

Motion carried. Ayes-4 Nays-0.

EXECUTIVE SESSION (York Water Co. Negotiations)

Chairperson Wingert called the board for adjournment to executive session from 7:07 – 7:20 pm to discuss York Water Company – Township Sanitary Sewer offer negotiations.

OTHER BUSINESS/REPORTS

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

Mr. James reported receipt of the Northern York County Regional Police Department March 17, 2015 report.

Mr. James reported that Engineer Treglia had submitted the April 14, 2015 engineer's report.

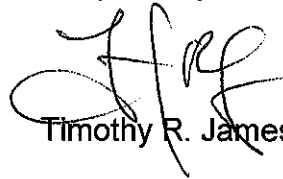
APPROVAL OF VOUCHERS

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: March 11 – 24; March 25 – 31; April 1 – 7; April 8 – 14, 2015. Motion carried. Ayes-4 Nays-0.

ADJOURNMENT

Being no further business, Mr. Hauck made a motion to adjourn the meeting at 8:26 pm.

Respectfully submitted,



Timothy R. James, Secretary

TRJ/jas

