

**MANCHESTER TOWNSHIP  
BOARD OF SUPERVISORS**

**June 9, 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, June 9, 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, Assistant 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 |   |

**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 May 12, 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 YAUFR Commission and Manchester Township in an attempt to begin negotiations for Manchester Township to become a

charter member of YAUFRR. On December 10, 2013 the board adopted a resolution that Manchester Township move forward with negotiations with the YAUFRR 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). On May 13, 2014 the board authorized 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. Chief McCoy reported that a meeting was held on April 14, 2015 with union representatives of both Manchester Township Department of Fire Services and YAUFRR to begin discussions related to collective bargaining agreements. Chief McCoy reported ongoing meetings are taking place between Manchester Township Career Fire Fighters Association (MTCFFA) and YAUFRR bargaining units in an attempt to discuss contracts for a consolidation. Mr. James informed the board the MTCFFA has formally requested to begin negotiations with the township negotiating committee on the collective bargaining agreement that ends December 2015.

#### **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 valuation services. 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. On April 14, 2015 the board took action to request the municipal authority review the York Water Company offer and provide the board with a recommendation on the negotiations. It was reported that the municipal authority on April 23, 2015 made a recommendation to the board to postpone negotiations of the offer by York Water Company to purchase the township sanitary sewer system until a final determination is made by the Pennsylvania Department of Environmental Protection draft Consent Order and Agreement. On May 12, 2015 the board authorized the staff to seek proposals from certified accounting firms in order to generate a cost valuation analysis of a sale or non-sale of sanitary sewer system.

#### **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. On May 12, 2015 Mr. Mahoney updated the board of continued discussion with DEP; York City Sewer Authority and Manchester Township in executive session.

### **NEW BUSINESS**

#### **Gross/Kinsley Review #2015-04**

Robert Sandmeyer of Site Design Concepts was present to present plan for final subdivision/reverse subdivision of 34,216 square feet stormwater management facility from the lands of Kinsley Equities to be joined to 5.295 acre parcel of Randal A. Gross (RG Group) located at 15 Flour Mill Road. Mr. Sandmeyer reported the purpose of the plan to transfer the entire stormwater management facility to the RG Group.

Mr. Hauck made a motion, seconded by Mr. Brosend, to approve the following waiver request:

W1). From section 26-131K to permit stormwater management facilities within a building setbacks.

Ayes-5 Nays-0. Motion carried.

Mr. Hauck made a motion, seconded by Mr. Wingert, to approve the final subdivision/reverse subdivision for Gross/Kinsley at 15 Flour Mill Road upon completion of open items.

Ayes-5 Nays-0. Motion carried.

#### **Stormwater Agreement**

Mr. Wingert made a motion, seconded by Mr. Hauck, to authorize the board chairperson or vice-chairperson to execute stormwater and maintenance agreement for Kinsley Equities and RG Group, for stormwater facilities at 15 Flour Mill Road. Ayes-5 Nays-0. Motion carried.

#### **Small Cell Tower – Route 30 and North George Street**

Mr. James reported receiving a proposal from Baker Acquisition, LLC representing Verizon Wireless with interest in the installation of a Small Cell wireless at the northwestern area of Arsenal Road and North George Street intersection. Mr. James described the facility would include a cabinet and antenna mounted on traffic signal sign pole. Mr. James stated that Baker Acquisition, LLC offered a lease agreement proposal for 25 years at \$4,800 annually. The board by consensus stated if a lease would be considered the lease fee would need to be much higher.

**Solicitor Services**

Mr. James requested board guidance in anticipation of Solicitor Keiter's retirement as of January 4, 2016. After discussions, the board by consensus requested Mr. James contact Attorney Larry Young to seek his interest in the appointed position.

**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 #12 - Mr. James reported that on May 14, 2015 the recreation commission considered programming options with the notification of the demise of the Manchester Township Athletic Association. Mr. Brandstedter expressed caution that this may open the door for other organizations to follow suit.
- Item #14 - Mr. James reported that the 2014 financial reports completed by Kochenour, Earnest, Smyser and Burg, CPA and subsequent distribution to the board of supervisors and board of auditors has taken place.
- Item #29 - Mr. James reported that as a part of the draft Consent Order and Agreement with the Pennsylvania Department of Environmental Protection (DEP) as reported in Emergency Bypass Pumping-DEP agenda item, it is anticipated that DEP will require house inspections to occur by the fall of 2015 looking for Inflow and Infiltration (I & I) from illegal connections. Mr. James reported that we have received a proposal for house inspections contracted services by Code Administrators, Inc. at an initial cost of \$85 per residence. Mr. Hauck suggested the staff review the data and consider starting at 50 homes for inspections.
- Item #30 - Mr. Hauck made a motion, seconded by Mr. Brosend, to authorize the township manager to hire Carl Young to fill vacant public works laborer/operator position.

Ayes-5 Nays-0. Motion carried.

**OTHER BUSINESS/REPORTS**

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

Mr. James reported receipt of the Northern York County Regional Police Department May 19, 2015 report.

Mr. James reported that Engineer Treglia had submitted the June 9, 2015 engineer's report.

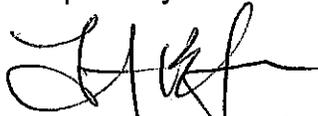
**APPROVAL OF VOUCHERS**

Mr. Brandstedter made a motion, seconded by Mr. Hauck, to approve the payment of the vouchers as listed on the Treasurer's Checks Vouchers List: May 13-19; May 20-26; May 27-June 2; and June 3-9, 2015. Motion carried. Ayes-5 Nays-0.

**ADJOURNMENT**

Being no further business, Mr. Hauck made a motion to adjourn the meeting at 7:56 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. James', written over a horizontal line.

Timothy R. James, Secretary

TRJ/jas