

**MANCHESTER TOWNSHIP  
BOARD OF SUPERVISORS**

**August 11, 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, August 11, 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. Wingert, to approve the minutes of the July 14, 2015 meeting with the correction to the following sentence under "Stormwater Agreement" section: "Mr. Hauck made a motion, seconded by Mr. Brandstedter", not Mr. Hauck as presented. 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. Chief McCoy reported ongoing meetings are taking place between Manchester Township Career Fire Fighters Association (MTCFFA) and YAUFRC 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. On July 14, 2015 the board took action to authorize Reinsel Kuntz Leshner CPA to complete a cost valuation analysis of the sale or non-sale of the sanitary sewer system for a fee of not to exceed \$10,000.

#### **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 submitted 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.

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

As summarized in item #5 of the manager's report, 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 an initial lease agreement proposal for 25 years at \$4,800 annually and that the board by consensus requested an increase in the annual proposal of which Mr. James reported Baker Acquisition, LLC offered \$6,000. Mr. James reported that per board direction on an escalator clause, Verizon Wireless was willing to agree to increase the annual payment for each successive five-year term at the rate of 12% of the previous five-year term and pay the rental for the initial five-year term in a single lump sum payment of \$30,000 within 60 days of commencement date. Mr. Brandstedter suggested that the escalator be based on Consumer Price Index instead of Verizon's offer. Mr. Wingert made a motion, seconded by Mr. Hauck, to authorize the township to enter into an agreement with Verizon Wireless with terms of \$6,000 annual rental payment; 12% escalator for each successive five-year term; and single rental payment of \$30,000 (first five-year term) within 60 days of commencement date. Motion carried 4-1.

### **Ordinance #2015-03 -Proposed Water District #2 – York County Industrial Park**

As summarized in item #6 of the manager's report, Robert Simmons of HRP Associates and Scott Durbin of FCI USA LLC were present at the July 14, 2015 board meeting requesting the board's consideration of a mandatory water connection ordinance for certain areas surrounding the York County Industrial Park due to a mandate by the Pennsylvania Department of Environmental Protection Land Recycling Program (Act 2) with respect to the former manufacturing facility owned and operated at 320 Busser Road due to the investigation and remediation of regional groundwater contamination of the industrial solvent trichloroethylene. Mr. Simmons stated that FCI USA LLC would be willing to reimburse the township for costs associated with the proposed ordinance and that FCI USA LLC is financing the installation of public water lines and water connections to impacted areas as part of the remediation. The board authorized the solicitor to advertise the proposed ordinance on July 14, 2015. Mr. Hauck made a

motion, seconded by Mr. Brandstedter, to adopt Ordinance #2015-03 that would establish water district #2 and mandating any future development in the York County Industrial Park and surrounding area to connect to public water. Ayes-5 Nays-0. Motion carried.

### **NEW BUSINESS**

#### **Berkshire Business Park Lot 3 - Review #2015-06**

David Koritich of LSC Design was present to present a final 2 lot subdivision plan for 27.77 acre parcel to divide the stormwater management facility from the existing industrial site on behalf of Berkshire Business Park located at 3640 Sandhurst Drive.

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

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

Ayes-5 Nays-0. Motion carried.

Mr. Hauck made a motion, seconded by Mr. Brandstedter, to approve the final 2 lot subdivision plan for Berkshire Business Park Lot 3 upon completion of open items.

Ayes-5 Nays-0. Motion carried.

Mr. Hauck made a motion, seconded by Mr. Brandstedter, to authorize the chairperson or vice-chairperson to execute stormwater operation and maintenance agreement for Berkshire Business Park Lot 3 final subdivision plan.

Ayes-5 Nays-0. Motion carried.

#### **Berkshire Business Park Lot 5 – Review #2015-07**

David Koritich of LSC Design was present to present a final 2-lot subdivision plan for 8.62 acre parcel to divide the stormwater management facility from the existing industrial site on behalf of Berkshire Business Park located at 3670 Sandhurst Drive.

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

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

Ayes-5 Nays-0. Motion carried.

Mr. Hauck made a motion, seconded by Mr. Brandstedter, to approve the final 2-lot subdivision plan for Berkshire Business Park Lot 3 upon completion of open items.

Ayes-5 Nays-0. Motion carried.

Mr. Hauck made a motion, seconded by Mr. Brandstedter, to authorize the chairperson or vice-chairperson to execute stormwater operation and maintenance agreement for Berkshire Business Park Lot 3 final subdivision plan.

Ayes-5 Nays-0. Motion carried.

**Polli Equities, LTD – 160 Morgan Lane – Review #2015-08**

James Barnes of James R. Holley and Associates was present to present a final land development plan for a 16,862 square foot parking lot expansion on a 6.90 acre tract located at 160 Morgan Lane.

Mr. Hauck made a motion, seconded by Mr. Brandstedter, to approve the final land development plan for Polli Equities, LTD located at 160 Morgan Lane upon completion of open items.

Ayes-5 Nays-0. Motion carried.

**Anstadt Communications – Review #2015-09**

Adam Anderson of Site Design Concepts was present to present a final minor reverse subdivision of 2 lots for Anstadt Communications located at the corner of Farmtrail Road and Farmbrook Lane.

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

- W1). From Section 22-703.2.A requiring curbing be installed along all street frontages as a requirement of a subdivision plan.
- W2). From Section 22-709 requiring sidewalk be installed along all street frontages as a requirement of a subdivision plan.

Ayes-5 Nays-0. Motion carried.

Mr. Hauck made a motion, seconded by Mr. Brandstedter, to approve the final minor subdivision plan for Anstadt Communications upon completion of open items.

Ayes-5 Nays-0. Motion carried.

**Anstadt Communications – Review #2015-10**

Adam Anderson of Site Design Concepts was present to present a final land development plan for an 18,000 square foot building addition for the combined lot of 5.023 acres located at the northwest corner of Farmtrail Road and Farmbrook Lane for Anstadt Communications.

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

- W1). From Section 22-703.2.A requiring curbing be installed along all street frontages as a requirement of a subdivision plan.

W2). From Section 22-709 requiring sidewalk be installed along all street frontages as a requirement of a subdivision plan.

Ayes-5 Nays-0. Motion carried.

Mr. Hauck made a motion, seconded by Mr. Brandstedter, to approve the final land development plan for Anstadt Communications upon completion of open items.

Ayes-5 Nays-0. Motion carried.

### **Heritage Industrial Park – LERTA Request**

As summarized in item # 9 of the manager's report, John Luciani, P.E. of First Capital Engineering was present to make a presentation for Equilibrium Equities, Inc., in requesting designation of Local Economic Revitalization Tax Assistance (LERTA) for Heritage Business Park, L.P., Board Road and Shady Lane. Mr. Brandstedter made a motion to approve LERTA designation for the Equilibrium Equities, Inc., property located at Board Road and Shady Lane. No second was received. Motion denied. Mr. Wingert suggested needing to research the request further for future board consideration.

### **CPA Appointment Notice Authorization**

As summarized in item #7 of the manager's report, Mr. Brandstedter made a motion, seconded by Mr. Hauck, to authorize the request for proposals to be developed and distributed for the completion of the township 2015 audit/financial report in order to abide by the timeline identified by Section 917 (b) of the Pennsylvania Second Class Township Code for appointment or reappointment of certified public accountant. Ayes-5 Nays-0. Motion carried.

### **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. Steve Barley 527 Norman Road, expressed concern of the lack of police presence in the Norman Road area. Laura Frazier, 1085 Dandelion Drive questioned if anything has transpired with the proposed cell tower at Cousler Park. D.W. Cockley, 2362 Susquehanna Trail North questioned if the board was aware of a PennDOT widening project on Susquehanna Trail North.

### **MANAGER'S REPORT –**

Item #22 - Mark Zinda, 686 Crosslyn Drive, President of the homeowners association for Brandywine Woods Phase 2, was present to express concern with the current conditions of the 50 foot stretch of open space located between Brandywine Woods stormwater facility and Hummel Drive. Michelle Thompson, 645 Crosslyn Drive also expressed concern with lack of maintenance to the area. The board directed Mr. James to meet with both homeowner associations to discuss the matter further.

### **OTHER BUSINESS/REPORTS**

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

Mr. James reported receipt of the Northern York County Regional Police Department July 21, 2015 report.

Mr. James reported that Engineer Treglia had submitted the August 11, 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: July 15-28; July 29-August 11, 2015. Motion carried. Ayes-5 Nays-0.

**ADJOURNMENT**

Being no further business, Mr. Hauck made a motion to adjourn the meeting at 8:53 pm.

Respectfully submitted,

Timothy R. James, Secretary

TRJ/jas