

**MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS**

September 8, 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, September 8, 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	Stewart S. Olewiler, Zoning/Planning Officer
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. Wingert, to approve the minutes of the August 11, 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. Mr. James reported that he, Supervisors Lisa Wingert and Brosend met with Chief McCoy, YAUFRR Solicitor Hovis, YAUFRR Commissioners Phan and Hunt on August 17, 2015 to discuss consolidation consideration. Mr. Brandstedter expressed concern with entering into an agreement with the unclear exit option. Mr. James stated the agreement terms would need to be negotiated. Mr. Hauck made a motion, seconded by Mr. Brosend, to have the chairperson or vice-chairperson submit a letter of joinder consideration to the York Area United Fire and Rescue Commission. Ayes-4 Nays-1 (Mr. Brandstedter opposed). Motion carried.

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.

Floodplain Ordinance Update

As summarized in item #5 of the manager's report, Zoning/Planning Officer Olewiler reported receiving a June 16, 2015 correspondence from the Federal Emergency Management Agency (FEMA) as a follow-up to the August 14, 2014 notification related to modified flood hazard determinations affecting the Flood Insurance Rate Map (FIRM); Flood Insurance; base flood elevations; special flood hazard areas; zone designations and regulatory floodways. Mr. Olewiler also reported Leslie Rhoads, Contractor with the Floodplain Ordinance Update group that the draft ordinance submission for Manchester Township was approved and should be presented to the board of supervisors for consideration, as FEMA has notified the township that the new FIRM maps will become effective December 16, 2015. Mr. Brosend made a motion, seconded by Mr. Brandstedter, to authorize the solicitor to advertise updates to Ordinance #2009-02 to reflect recent changes instituted by the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development. Ayes-5 Nays-0. Motion carried.

Heritage Industrial Park – LERTA Request

As summarized in item # 6 of the manager's report, John Luciani, P.E. of First Capital Engineering was present to follow up from an August 11, 2015 board of supervisors' 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. Solicitor Keiter stated if the board would want to consider granting LERTA designation request, a public hearing would need to be held. Mr. Brandstedter made a motion, seconded by Mr. Hauck, to authorize a public hearing be scheduled on October 13, 2015 at 6:45 pm to consider LERTA designation for properties with Heritage Business Park, L.P., Board Road and Shady Lane. Ayes-4 Nays-1 (Ms. Wingert opposed). Motion carried.

NEW BUSINESS

York County Recovery Center Ash Processing Land Development Plan – Review #2015-11

Vincent Wayne of Buchart-Horn, Inc. was present to present a final land development plan for a 73,100 square foot Ash Processing facility located on 137 net acres on both

sides of the 2700 block of Blackbridge Road. Mr. Wayne explained that this proposed building will be used to process the ash residue from the incinerator facility across Blackbridge Road. Mr. Wayne also explained the access is proposed from Blackbridge Road directly across the street from the incinerator facility and secondary access on Flour Mill Road East, will be designated "private".

Mr. Hauck made a motion, seconded by Mr. Wingert, to approve the final land development plan for York County Recovery Center Ash Processing facility upon completion of open items.

Ayes-5 Nays-0. Motion carried.

Manchester Township – Lot #37 Brandywine Woods Phase 1 Subdivision Plan – Review #2015-12

Zoning/Planning Officer Olewiler presented the final 2 lot subdivision plan of Lot #37 in the Brandywine Woods Phase 1 subdivision creating an open space lot of 61,898 square feet from the 5.326 acre lot previously dedicated to the township located along the rear property lines of lots 2-12 on the south side of the 600 block of Parkwood Drive.

Mr. Hauck made a motion, seconded by Mr. Brandstedter, to approve the final 2-lot subdivision plan for Lot #37 in the Brandywine Woods Phase 1 subdivision upon completion of open items.

Ayes-5 Nays-0. Motion carried.

York County Visitors Bureau

Mr. James reported the presentation request from the York County Visitors Bureau has been tabled.

Route 30 – Adaptive Signal Project – Resolution #2015-09

As summarized in item #9 of the manager's report, Mr. Brandstedter made a motion, seconded by Mr. Wingert, to adopt Resolution #2015-09 authorizing staff to execute the updated traffic signal permits for the Route 30 corridor, due to the Pennsylvania Department of Transportation's adaptive traffic signal project. Ayes-5 Nays-0. Motion carried.

2016 Budget

As summarized in item #10 of the manager's report, Mr. James reported that he had begun work on the 2016 budgets. Mr. James advised that he expected to have a draft budget prepared for discussion at the October 13, 2015 meeting; a proposed budget to be introduced at the November 10, 2015 meeting; and, final adoption being scheduled for the December 8, 2015 meeting. He requested that the board members provide any 2016 budget parameters (e.g., levels of service; specific projects, etc.) that they may wish to establish by September 11, 2015, the date that had been established for the submission of departmental and affiliated agencies budget requests.

Mr. James advised that among the items that would have an impact on the 2016 General Fund budget are: a) with decreases in revenue from interest earnings, and uniform construction code fees because of a stagnant growth in residential property

sales and construction; b) increased cost of public safety services including a 3.34% increase from the Northern York County Regional Police Department for the 67 units of contracted police service, and increased fire service costs because of ongoing negotiations with the collective bargaining agreement with the Manchester Township Career Firefighters c) increased workers compensation, property, and vehicle insurance costs; d) increased costs to maintain seven (7) parks that total 145 acres; e) fire and public works vehicle and equipment repairs; f) increased health insurance rates.

Mr. Brandstedter expressed concern with the costs associated with Northern York County Regional Police (NYCRPD) service. Mr. Brandstedter stated satisfaction with NYCRPD service, but requested Mr. James contact contiguous municipalities to request police service costs for Manchester Township.

Fire Police Authorization

As summarized in item #11 of the manager's report, Mr. Hauck made a motion, seconded by Mr. Wingert, to approve non-emergency traffic control assistance for the Alert Fire Company Fire Police on the following dates/locations:

- a) Week of September 5-12, 2015 at Dover Union Fire Company, 30 East Canal Road, Dover, for the annual Dover Union Fire Company Carnival. This a reciprocal assistance as Dover Borough assisted at Summer Fun Festival on August 1.
- b) September 19, 2015 beginning at 10:00 am until 4:00 pm at Cousler Park, 1060 Church Road, for the Central Penn Magazine sponsored Family Favorites Festival.
- c) October 31, 2015 beginning at 8:45 am until 10:30 am at Zion Lutheran Church, for the annual 5K road race. In addition, the board rescinded the October 24, 2015 approval for road closures on Brandywine Lane and Kayla Boulevard and changed the approval to October 31, 2015 at the same time, as requested by Zion Lutheran Church.

Ayes-5 Nays-0. Motion carried.

Handicap Parking Area – 3317 High Street

Mr. Brandstedter made a motion, seconded by Mr. Wingert, to authorize the solicitor to advertise a proposed ordinance to create a handicap parking space at 3317 High Street. Ayes-5 Nays-0. Motion carried.

York County Second Class Township Convention Authorization

As summarized in item #13 of the manager's report, Mr. Hauck made a motion, seconded by Mr. Brandstedter, to authorize the following attendance at the November 12, 2015 York County 2nd Class Township Convention at Heritage Hills:

- a) Five (5) supervisors; three (3) elected auditors; tax collector; manager/secretary and assistant secretary.
- b) \$50 per day according to Act 106 of 2006 for each delegate except for those who are board of supervisors or municipal employees.
- c) Mileage to and from the convention. Prepaid registration fee by Manchester Township.

Ayes-5 Nays-0. Motion carried.

Stormwater Agreements

As summarized in item #14 of the manager's report, Mr. Wingert made a motion, seconded by Mr. Brosend, to authorize board chairperson or vice-chairperson to execute the following stormwater and maintenance agreements:

- a) Todd and Kelly Kessler, for stormwater and maintenance agreements for garage installation for property at 2620 Ferncreek Lane.
- b) John and Michelle Herbert, for stormwater and maintenance agreements for swimming pool installation for property at 757 Willow Ridge Drive.

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.

MANAGER'S REPORT

Item #20 - Engineer Treglia reported the township staff completed a Municipal Separate Storm Sewer System (MS4) mock audit on August 20, 2015.

EXECUTIVE SESSION - (York Water Company Negotiations)

Chairperson Wingert called the board for adjournment to executive session from 8:15 – 9:03 pm to discuss York Water Company – Township Sanitary Sewer offer negotiations.

OTHER BUSINESS/REPORTS

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

Mr. James reported receipt of the Northern York County Regional Police Department August 18, 2015 report.

Mr. James reported that Engineer Treglia had submitted the September 8, 2015 engineer's 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: August 12-25; August 26-September 8, 2015. Motion carried. Ayes-5 Nays-0.

ADJOURNMENT

Being no further business, Mr. Hauck made a motion to adjourn the meeting at 9:04 pm.

Respectfully submitted,



Timothy R. James, Secretary

