

# **MANCHESTER TOWNSHIP BOARD OF SUPERVISORS**

**December 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, December 8, 2015, which was called to order at 7:00 p.m. by Chairperson Wingert.

## **PARTIES PRESENT**

Lisa D. Wingert, Chairperson  
Delmar L. Hauck, Vice-Chairperson  
Kenneth D. Wingert, Supervisor  
David K. Brosend, Supervisor  
Rodney K. Brandstedter, Supervisor

Timothy R. James, Manager/Secretary  
Debra K. McCune, Assistant Secretary  
David C. Keiter, Esq., Solicitor  
Lawrence V. Young, Esq., Asst. Solicitor  
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. Brandstedter made a motion, seconded by Mr. Hauck, to approve the minutes of the November 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 YAUFRR. Mr. James reported that following Manchester Township Board of Supervisors action on January 3, 2012 to request membership consideration by the YAUFRR Commission, Ms. Wingert received a January 27, 2012 letter from YAUFRR Chairperson William Schenck confirming acceptance of the membership consideration request. Chief McCoy presented the board with a draft memorandum of understanding between YAUFRR 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. The board took action on September 8, 2015 to submit a letter of joinder consideration to the York Area United Fire and Rescue Commission. Mr. James reported meeting with Attorney Hovis on November 3, 2015 to further discuss the draft joinder agreement.

### **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. Mr. James reported that the board has continued negotiations with York Water Company on their proposal.

#### **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. Mr. James reported that 53 house inspections required within the CAP and draft Consent Order and Agreement were completed by Code Administrators, Inc. over the weekends of October 24 and 31, 2015 with a majority of illegal connections located in developments built in the 1950-1960's.

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

As summarized in item #5 of the manager's report, John Luciani, P.E. of First Capital Engineering was present at the 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. The required public hearing was held on October 13, 2015 to consider LERTA designation for properties with Heritage Business Park, L.P., Board Road and Shady Lane. On October 13, 2015, the board took action to approve LERTA designation for Heritage Business, Park, L.P., Board Road and Shady Lane. Mr. James reported he has had no formal request for the township to consider participation in the LERTA tax assistance program to date.

**2016 Budget**

As summarized in item #6 of the manager's report, Mr. James reported that the proposed 2016 budgets for all funds had been on public display since they were introduced at the November 10, 2015 meeting and a summary was advertised in the legal classified section of the York Newspapers on November 20, 2015.

Mr. James advised that the 2016 proposed budget shows a total budget of \$13,923,320 or an increase of \$470,040 from 2015. Mr. James reported that general fund budget total is \$10,880,940 or 2.6% increase from 2015 primarily due to the fact public safety costs increased by \$257,770 over 2015 levels. Mr. James also reported among the items that would have an impact on the 2016 General Fund budget are: a) little growth in real estate assessed value, realty transfer tax, earned income tax, local services tax, and mercantile/business privilege tax revenues combined with significant decreases in revenue from interest earnings, and uniform construction code fees because of a slowdown 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 (NYCRPD) for the 67 units of contracted police service, and increased fire service costs because of the 2013-2015 and currently negotiated collective bargaining agreement with the Manchester Township Career Firefighters Association; c) increased workers compensation, health, property, and vehicle insurance costs; d) increased costs to maintain seven (7) parks that total 145 acres; e) fire, public works and park maintenance vehicle and equipment repairs.

Mr. James also advised that a projected taxable assessed valuation figure of \$1,617,720,646 had been used to prepare the proposed general fund budget. He reported that the York County Assessment Department certified 2016 taxable assessed valuation figure on November 16, 2015 at \$1,632,076,496. He advised that the assessed value figure remain at the budgeted level due to the continuous decline with several recent assessment appeal decisions for industrial and commercial properties rendered by the York County Board of Assessment Appeals.

Mr. James advised that the proposed 2016 budget included an initial draft of the sewer system consolidated operating budget which was created in 2010 to combine the operational aspects of the five (5) separate sewer districts based on the board's December 9, 2008 authorization. The three (3) municipalities (York City Sewer Authority; Dover Township Sewer Authority; and Springettsbury Township) from whom Manchester Township purchases wastewater treatment services have provided debt service costs for 2015, but as of this writing have not provided treatment costs. He reported that the debt service figures were the result of the long term financing that the York City Sewer Authority; Dover Township Sewer Authority; and Springettsbury Township incurred to cover the costs of upgrading the wastewater treatment plants to comply with the federal mandates for the "Chesapeake Bay Strategy" which involves the removal of nitrates and phosphorus from the effluent. He also reported that the consolidated operating budget included a \$5,750 to repair or replace broken or deteriorating sewer maintenance equipment; \$19,000 for relining several sewer manholes; and \$255,080 for sanitary sewer replacement projects on Bark Hill Road; Roman Court; and Martingale Drive. He reported that because of the increasing

responsibilities related to maintaining 132.89 miles of sanitary sewer line and nine (9) pump stations and the correction of sewer system deficiencies which are identified in the updated Act 537 Official Sewer Plan, have again included funding in the sewer operating budget to support three (3) full-time public works department sewer maintenance positions who are also used to assist with winter maintenance (snow plowing; anti-skid application) activities on the township street system.

Mr. Brandstedter made a motion, seconded by Mr. Brosend, to adopt Resolution #2015-11 that adopts the 2016 budgets and establishes a 2016 general fund real estate tax rate of one mill (1.00) of taxable assessed value, and all other tax rates and service fees as were introduced at the November 10, 2015 meeting and advertised on November 20, 2015. . Motion carried Ayes-5 Nays-0.

### **Field Use Policy**

As summarized in item #7 of the manager's report, on November 10, 2015 Recreation Director Ericson presented the board with a recreation commission recommended field use policy in an attempt to better handle increase field use requests, hold organizations more accountable for their use and better control the type of use that occurs on fields. Mr. Ericson described a comprehensive policy and the possibility of creating a new rate structure. The board continued discussions on the recommendation and has requested clarification on the information provided in order to take action in the near future.

### **NEW BUSINESS**

#### **Bid Authorization – 2016 Construction Equipment Materials/Equipment Rental**

As summarized in item #8 of the manager's report, Mr. Brandstedter made a motion, seconded by Mr. Hauck to authorize the manager, engineer, and public works superintendent to prepare specifications using prevailing wage rates and advertise for bids for contracts for supplying construction materials and equipment rental for the period May 1, 2016 until April 30, 2017 with the bid opening by the staff to be scheduled prior to the regular April 12, 2016 board meeting. Motion carried Ayes-5 Nays-0. .

#### **Bid Authorization – 2016 Budget Capital Projects**

As summarized in item #9 of the manager's report, Mr. Hauck made a motion, seconded by Mr. Brosend, to authorize the manager, public works superintendent, and engineer to prepare the design, specifications, bidding documents and advertisements for the following capital projects which were included in the combined sewer operating and capital reserve funds: a) sanitary sewer line replacement project on Bark Hill Road; b) sanitary sewer replacement project on Roman Court; and c) sanitary sewer replacement project on Martingale Drive. Motion carried. Ayes-5 Nays-0

#### **Joint Prehospital Services Agreement – ARMAR Inc.**

As summarized in item #10 of the manager's report, Mr. Brandstedter made a motion, seconded by Mr. Hauck, to authorize the chairperson or vice-chairperson to execute

updated joint billing services agreement with ARMAR, Inc., ALS. Motion carried. Ayes-5 Nays-0

### **2016 Animal Control Service Agreement**

As summarized in item #11 of the manager's report, Mr. Brosend made a motion, seconded by Mr. Wingert, to authorize the chairperson or vice-chairperson to execute the 2016 Animal Control Service agreement with Mike Ellis Animal Control for a monthly fee of \$340 and an annual \$500 service retainer. Motion carried Ayes-5 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.

George Stuzinski, 764 Foxtail Drive, was present to express concern with speeding on Foxtail Drive. Mr. Stuzinski expressed concerns with the road being used as a bypass for Church Road and the perceived speeding occurring. Ms. Wingert stated a request will be made to Northern York County Regional Police Department to conduct a speed study. Mr. Stuzinski also questioned the process the township goes through relative to trash collection delinquencies.

### **MANAGER'S REPORT**

Item #13 - Mr. James reported that Byron Trout of Gordon L. Brown and Associates, Inc. had sent a November 4, 2015 letter in which he requested, on behalf of his firm's client, London Croft, LLC, that the review of the preliminary subdivision plan for the Welbourne Reserve, a 124-lot open space residential development that is proposed to be located on a 142.245 acre tract along the western side of the 3900 block of Susquehanna Trail, be tabled until December 31, 2016. Mr. Hauck made a motion, seconded by Mr. Wingert, to table the review of the Welbourne Reserve Preliminary Subdivision Plan (Review #2006-19) until the December 31, 2016 meeting. Motion carried. Ayes-5 Nays-0.

Item #18 - Engineer Treglia distributed a draft design and cost estimate for stormwater conveyance system upgrades in the area of St. Andrews Way and Brittany Drive. Mr. Treglia estimated a potential stormwater upgrade project could cost \$786,600. Ms. Wingert questioned if a potential project could be completed in phases. Mr. Brandstedter questioned Mr. Treglia on how a phased project be completed. Mr. Treglia stated initially a phased project could begin downstream at the outfall behind Rosepointe Drive to Greenbriar Road to address the road safety concerns. The board requested additional information.

Engineer Treglia presented the board with a change order for the sanitary sewer project on Brafferton Court completed by Shiloh Paving and Excavating, Inc. in the amount of \$2,788.69. Mr. Treglia reported the additional unforeseen work due to rock removal and excess time to complete the project. Mr. Brosend made a motion, seconded by Mr.

Wingert, to approve the change order request by Shiloh Paving and Excavating, Inc. for \$2,778.69. Motion carried. Ayes-5 Nays-0.

Item #28 - Mr. Hauck made a motion, seconded by Mr. Brandstedter, to authorize the chairperson or vice-chairperson to execute stormwater operation and maintenance agreement for James and Nancy Kohr, Hepplewhite Estates Phase V and future subdivision/land development plans. Motion carried. Ayes-5 Nays-0.

Item #29 - Mr. Hauck made a motion, seconded by Mr. Brandstedter, to adopt Resolution #2015-12 to appoint Kochenour, Earnest, Smyser & Burg, CPA, to prepare the 2015 audit/financial reports at the quoted fee of \$14,350. Motion carried. Ayes-5 Nays-0.

**EXECUTIVE SESSION - (York Water Company Negotiations / MTCFFA Collective Bargaining Agreement Negotiations)**

Chairperson Wingert called the board for adjournment to executive session from 8:23 – 9:05 pm to discuss York Water Company – Township Sanitary Sewer offer negotiations and the ongoing Manchester Township Career Fire Fighters Association collective bargaining agreement negotiations.

**OTHER BUSINESS/REPORTS**

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

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

Mr. James reported that Engineer Treglia had submitted the December 8, 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: November 11-17; November 18-24; November 25-December 1; and December 2-8, 2015. Motion carried Ayes-5 Nays-0.

**ADJOURNMENT**

Being no further business, Mr. Hauck made a motion to adjourn the meeting at 9:05 pm.

Respectfully submitted,



Timothy R. James, Secretary