

**MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS**

April 12, 2016

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 12, 2016, which was called to order at 5:00 p.m. by Vice-Chairperson Hauck.

PARTIES PRESENT

Delmar L. Hauck, Vice-Chairperson	Timothy R. James, Manager/Secretary
David K. Brosend, Supervisor	Debra K. McCune, Assistant Secretary
Rodney K. Brandstedter, Supervisor	Lawrence V. Young, Esq., Solicitor
	B.J. Treglia, P.E., C.S. Davidson, Inc.
	Stewart S. Olewiler III, Zoning/Planning

PUBLIC COMMENT

Vice-Chairperson Hauck invited the public to ask questions or offer comments about any item on the agenda as the board considers each item. He 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. Brosend, to approve the minutes of the March 8, 2016 meeting as submitted. Ayes-3 Nays-0. Motion carried.

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 YAUFR. On December 10, 2013 the board adopted a resolution that Manchester Township move forward with negotiations with the YAUFR Commission in an attempt to consolidate the fire service in the future. Chief McCoy reported that on April 15, 2014 the YAUFR Commission approved a proposed agreement be offered to Manchester Township for consideration for an immediate identity transfer from Manchester Township to YAUFR; 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 YAUFR 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 YAUFR to begin discussions related to collective bargaining agreements. Mr. James reported that he, Supervisors Lisa Wingert and Brosend met with Chief McCoy, YAUFR Solicitor Hovis, YAUFR 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. Supervisor Wingert reported work continues on merged agreement draft. Mr. James reported that on February 29, 2016 Chief McCoy announced his retirement effective May 2016. Mr. James stated nothing new to report with this item.

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 stated he had nothing new to report.

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. Per DEP's CAP, continued house inspections are required of which the board by consensus authorized the development of a second phase of 50 house inspections this spring.

Ordinance #2016-02 - Emergency Management Agency - Regional Intergovernmental Cooperative

As summarized in item #5 of the manager's report, Mr. Brandstedter made a motion, seconded by Mr. Brosend, to adopt Ordinance #2016-02 authorizing participation in the York Area Regional Emergency Management Agency with Spring Garden and Springettsbury Townships; including participation on regional emergency management agency board (two board members) with coordination of regional agency by York Area United Fire and Rescue management team. Motion carried. Ayes-3 Nays-0.

NEW BUSINESS

3625 Mia Brae, L.P. - Subdivision Plan - Review #2016-01

Jason Brenneman of James Holley and Associates was present to present a final 2-lot subdivision of 21.59 acres located at the northwest corner of Morgan Lane and Mia Brae Drive in an Industrial Zoning district. Mr. Brenneman explained the subdivision plan request will create a separate 7.58 acre parcel from the existing lot that now contains the Penn Waste Recycling Center.

- a) W1 - From section 22-404-3.25 to not show contours on the plan.
- b) W2 - From section 22-404-4.16 & 16A to not indicate contours of areas with slopes greater than 15%.
- c) W3 - From section 22-716-8.1.D(2) to permit storm water management facilities within the building setback area.

Mr. Brosend made a motion, seconded by Mr. Brandstedter, to approve the waivers listed above and the final 2-lot subdivision plan 3625 Mia Brae, L.P. contingent of completion of any open items.

Motion carried. Ayes-3 Nays-0.

3625 Mia Brae, L.P. Lot 2 – Lower Pad Site – Land Development Plan – Review #2016-02

Jason Brenneman of James Holley and Associates was present to present the final land development plan for a 70,000 square foot warehouse on 7.58 acres parcel located on the north side of the 100 block of Morgan Lane in an Industrial Zoning district. Mr. Brenneman stated this land development plan is for the vacant lot created by the previous subdivision plan. Mr. Brenneman also reported that the intent is to construct a 70,000 square foot building with 87 parking spaces and at least 4 loading spaces to meet the minimum requirements of the zoning ordinance for a warehouse or wholesale facility.

- a) W1 – From section 22-716-8.1.D.(2) to permit stormwater management facilities within the building setback area.

Mr. Brandstedter made a motion, seconded by Mr. Brosend, to approve the waivers listed above and the final land development plan for 3625 Mia Brae, L.P. Lot 2 contingent of completion of any open items.

Motion carried. Ayes-3 Nays-0.

I.B. Abel Warehouse Addition – Review #2016-03

David Koratich of LSC Design and Michael Jeffers of Kinsley Construction were present to present a final land development plan for a 10,000 square foot addition to an existing 35,790 square foot building located at 2745 Blackbridge Lane in an Industrial Zoning district. Mr. Koratich reported that the addition is for an existing contractor's office and shop in the building formerly used by Gettle Electric.

Mr. Brosend made a motion, seconded by Mr. Brandstedter, to approve the final land development plan for I.B. Abel warehouse addition contingent of completion of any open items.

Motion carried. Ayes-3 Nays-0.

Clearview Associates – Review #2016-04

David Bitner of RGS Associates was present to present a final land development plan for a 106 room hotel on 2.64 acres located along the west side of the 1500 block of Toronita Street in a Commercial Zoning district. Mr. Bitner provided an overview of the proposed 106 room hotel and associated improvements.

Mr. Brandstedter made a motion, seconded by Mr. Brosend, to approve the following waivers:

- a) W1 – From section 22-410.5.F1 to permit current Level of Services to remain below LOS D.
- b) W2 – From section 22-705.2.E.(4) to permit clear sight triangles to be less than 100' at the access drives.
- c) W3 – From section 22-709.2.E.(2) to permit the access drive slopes of 8% for the western access along the common access drive and a maximum of slope of 15% for the emergency access onto 10th Avenue.
- d) W4 – From section 22-709 to only have sidewalks along Toronita Street as part of this plan.
- e) W5 – From section 22-410.5.F.(1) to permit the use of PennDOT Publication 408 RC-34 rather than RC-45 for storm water structures.

Mr. Brandstedter made a motion, seconded by Mr. Brosend, to approve the waivers listed above and the final land development plan for Clearview Associates contingent of completion of any open items.

Motion carried. Ayes-3 Nays-0.

Bid Award – 2016 Construction Materials/Equipment Rental Contracts

As summarized in item #7 of the manager's report, Mr. James reported that on March 22, 2016, at 10:00 am, he had opened and read bids from seven (7) bidders for the 2016 construction materials/equipment rental contracts (May 1, 2016-April 30, 2017). He reported that Manager James, Public Works Superintendent Goodyear and Assistant Secretary McCune as well as representatives from four (4) bidders were also present at the bid opening. He reported that the staff had prepared a bid tabulation sheet, and a March 28, 2016 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. Brosend made a motion, seconded by Mr. Brandstedter, to award the following bids for the 2016 construction materials/equipment rental contracts, for the period May 1, 2016 - April 30, 2017, based on the recommendations contained in Mr. Goodyear's March 28, 2016 memo:

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

Superpave Bituminous Concrete - Items B1-B4 (FOB Plant and FOB Job Site).
York Materials Group, LLC.

Furnish and Placement of Micro-surface – Item C1 – Stewart and Tate, Inc.

Base Repair – Item D1 and D2 – Kinsley Construction, Inc.

Motion carried. Ayes-3 Nays-0.

Sale of Surplus Item

As summarized in item #8 of the manager's report, Mr. Brandstedter made a motion, seconded by Mr. Brosend, to authorize the sale of the following surplus item: 2004 Ford Explorer fire utility vehicle to Goodwill Fire Company, York Township for \$5,000.

Motion carried. Ayes-3 Nays-0.

Resolution #2016-09 – Designation of Agent for Federal Disaster Assistance Application

As summarized in item #9 of the manager's report, Mr. Brandstedter made a motion, seconded by Mr. Brosend to adopt Resolution #2016-09 authorizing Assistant Secretary Deb McCune to file the application for federal disaster reimbursement for the January 22, 2016 snowstorm.

Motion carried. Ayes-3 Nays-0

RECOGNITION OF PUBLIC PRESENT

In accordance with Act 93 of 1998 (Sunshine Law), Mr. Hauck recognized any members of the audience who wished to address the board.

EXECUTIVE SESSION - (MTCFFA Collective Bargaining Agreement)

Vice-Chairperson Hauck called the board for adjournment to executive session from 5:59-6:24 pm to discuss the Manchester Township Career Fire Fighters Association Collective Bargaining Agreement process.

MANAGER'S REPORT –

Item #10 - Mr. James reported he attended the April 11, 2016 connective municipalities group meeting to further discuss the York City Sewer Treatment intergovernmental agreement.

Item #15 - Solicitor Young reported continued work with developing options relative to the abandonment of operation and maintenance activities with stormwater facilities.

Item #22 - Mr. James reported that McMahon Associates, Inc. met with staff to discuss the PennDOT directed Interstate 83 Exit 24-28 transportation study.

Item #31 - Mr. Brosend made a motion, seconded by Mr. Brandstedter, to authorize the temporary closing of a portion of the 1400 block of Garrison Drive on May 21, 2016 from 4 – 8 pm for a neighborhood block party.

Motion carried. Ayes-3 Nays-0.

OTHER BUSINESS/REPORTS

Mr. James reported that Fire Chief McCoy had submitted the March 2016 monthly report.

Mr. James reported that Engineer Treglia had submitted the April 10, 2016 engineer's report.

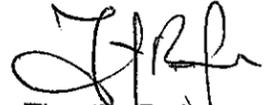
APPROVAL OF VOUCHERS

Mr. Brandstedter made a motion, seconded by Mr. Brosend, to approve the payment of the vouchers as listed on the Treasurer's Checks Vouchers List: March 9-22; March 23-April 5 and April 6-12, 2016. Ayes-3 Nays-0. Motion carried.

ADJOURNMENT

Being no further business, Mr. Brandstedter made a motion to adjourn the meeting at 6:24 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. James', written in a cursive style.

Timothy R. James, Secretary

TRJ/jas