

**MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS**

May 10, 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, May 10, 2016, which was called to order at 7:00 p.m. by Chairperson Lisa Wingert.

PARTIES PRESENT

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

Timothy R. James, Manager/Secretary
Debra K. McCune, Assistant Secretary
Lawrence V. Young, Esq., Solicitor
B.J. Treglia, P.E., C.S. Davidson, Inc.
Stewart S. Olewiler III, Zoning/Planning

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. 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. Hauck made a motion, seconded by Mr. Wingert, to approve the minutes of the April 12, 2016 meeting as submitted. Ayes-4 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 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. 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 completion of a second phase of 50 house inspections this spring. Engineer Treglia reported DEP has requested a meeting with the township regarding resurrecting discussions with the draft Consent Order and Agreement in the next 30 days.

NEW BUSINESS

York County Fire School Final Land Development Plan – Review #2016-05

Kathy Conley of LSC Design was present to present a final land development plan to construct a 30' X 30' training building and add new asphalt areas to a parcel containing floodplain located at 330 Emig Road in an industrial (I) zoning district.

Mr. Hauck made a motion, seconded by Mr. Brosend, to approve the final land development plan for the York County Fire School contingent of completion of any open item.

Motion carried. Ayes-4 Nays-0.

Northeastern Senior Center

As summarized in item #6 of the manager's report, Jane Deamer, Vice-President of the Northeastern York County Senior Center Board of Directors, was present to make a presentation about the services that the senior center provides to Manchester Township senior citizens and to request the board's continued financial support of the senior center as demand for its services grows.

York County Planning Commission – Stormwater Authority Feasibility Study

As summarized in item #7 of the manager's report, Felicia Dell with York County Planning Commission was present to present the results of a feasibility study

coordinated by York County regarding the development of a county-wide stormwater authority. Ms. Dell stated that information will continue to be gathered to decide on if or how a county stormwater authority would materialize will continue with presentation and feedback from all municipalities in York County.

York County Visitors Bureau

As summarized in item #8 of the manager's report, Louise Henie of the York County Visitors Bureau was present to update the board on recent activities of the York County Visitors Bureau. Ms. Wingert thanked Ms. Henie for her presentation, but did express concern on the distribution of the county entertainment/hotel tax collected relative to services provided by municipalities.

Intergovernmental Agreement – York City – Pennsylvania Avenue Improvements

As summarized in item #9 of the manager's report, Mr. Hauck made a motion, seconded by Mr. Wingert, to authorize the chairperson or vice-chairperson to execute the intergovernmental agreement with the City of York for street improvements on Pennsylvania Avenue in 2016. Motion carried. Ayes-4 Nays-0.

2016-2017 Joint Line Painting

As summarized in item #10 of the manager's report, Mr. Brosend made a motion, seconded by Mr. Wingert, to authorize the 2016-17 joint line painting contract to O.H. Striping, Corning, NY as bid and opened by Newberry Township on April 13, 2016. Motion carried. Ayes-4 Nays-0.

Fire Police Authorization

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

- a) May 7, 2016 beginning at 8:30 am until 1:00 pm at the York County Solid Waste Authority, 915 Woodland View Drive, for the annual spring household hazardous waste collection event. (Retroactive approval)
- b) May 15, 2016 morning at the intersections of Route 30 and Toronita Street; Route 30 and North George Street; and North George Street and 11th Avenue, for EMS Memorial Motorcycle Ride.

Motion carried. Ayes-4 Nays-0.

2016 Sanitary Sewer Projects

As summarized in items #12 and #35 of the manager's report, Engineer Treglia reported the contractor bids were opened on May 6, 2016 for the sanitary sewer main replacement projects on Bark Hill Road (Manhole #711a to #712a); Roman Court (Manhole #230 to #231); Martingale Drive (Manhole #287 to #288); Board Road (Manhole #115a to #115b); and Midpine Drive (Manhole #128 to #129) with low bid submitted by Fitz & Smith, Inc. at a base bid of \$200,221.64 and that he recommends awarding the bid accordingly.

Mr. Hauck made a motion, seconded by Mr. Brosend, to award the bid for the sanitary sewer main replacement projects on Bark Hill Road (Manhole #711a to #712a); Roman

Court (Manhole #230 to #231); Martingale Drive (Manhole #287 to #288); Board Road (Manhole #115a to #115b); and Midpine Drive (Manhole #128 to #129) to Fitz & Smith, Inc. at a base bid of \$200,221.64.

Motion carried. Ayes-4 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.

Troop #150 Boy Scout Ethan Suppiah, 1371 Wicklow Drive, was in attendance as a requirement in obtaining his communication badge.

Steve Barley, 527 Norman Road, was present to express his dismay with the township's code enforcement processes and Northern York County Regional Police Department's lack of presence in his neighborhood.

EXECUTIVE SESSION - (MTCFFA Collective Bargaining Agreement)

Chairperson Wingert called the board for adjournment to executive session from 8:50-9:10 pm to discuss the Manchester Township Career Fire Fighters Association Collective Bargaining Agreement process.

MANAGER'S REPORT -

Item #5 - Zoning/Planning Officer Olewiler reported that the Manchester Township Planning Commission recommended approval with modifications to the zoning text amendment request from Rutter Properties, LP to permit a community commercial sports facility by special exception in both the Office (O) and Residential High Density (RH) zoning districts relative to parcel in the 2200 block of Susquehanna Trail North. The board tabled any action until receiving comments from York County Planning Commission.

Item #13 - Mr. Hauck made a motion, seconded by Mr. Wingert, to authorize the closure of 11th Avenue from North George Street to 36 11th Avenue for water line installation project by Stewart and Tate, Inc. occurring in late May, 2016 for the duration of approximately two weeks.

Motion carried. Ayes-4 Nays-0.

Item #15 - Mr. Hauck made a motion, seconded by Mr. Wingert, to authorize the installation of a storm drain in the proximity of 2686 Stillmeadow Lane, if the resident Steve Schaffer agrees to pay 50% of the materials and labor and the payment is received in advance and held in escrow until the completion of the project; in addition a hold harmless agreement should be executed if project materializes.

Motion carried. Ayes-4 Nays-0.

Item #36 - Mr. Hauck made a motion, seconded by Mr. Wingert, to authorize the board chairperson or vice-chairperson to execute the following acquisition of reserved sewer capacity:

- a) Transfer one (1) EDU (300 GPD) of Dover Township Wastewater Treatment Plant from Kinsley Equities II, LP to Donald and Norma Nash, 1547 Winsford Lane.

Motion carried. Ayes-4 Nays-0.

OTHER BUSINESS/REPORTS

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

Mr. James reported that Engineer Treglia had submitted the May 12, 2016 engineer's report.

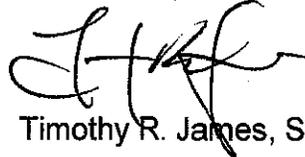
APPROVAL OF VOUCHERS

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: April 13-19; April 20-26; April 27-May 3; and May 4-10, 2016. Ayes-4 Nays-0. Motion carried.

ADJOURNMENT

Being no further business, Mr. Hauck made a motion to adjourn the meeting at 9:26 pm.

Respectfully submitted,



Timothy R. James, Secretary

TRJ/jas

