

**MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS**

July 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, July 12, 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
Rodney K. Brandstedter, 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.

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. Brandstedter, to approve the minutes of the June 14, 2016 meeting as submitted. Ayes-5 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. Chief Hoff reported the YAUFRR Commission would like the board to consider having two representatives from Manchester Township to participate in a non-voting role in YAUFRR Commission meetings. The board representatives Ms. Wingert and Mr. Brosend indicated they will attend future YAUFRR Commission meetings.

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. Mr. James reported that on June 27, 2016 township representatives, including Mr. Hauck, met with representatives of DEP and the City of York to discuss the impending Consent Order and Agreement for Manchester Township. Mr. James reported that DEP informed the township that the Consent Order and Agreement will be issued in the future and that the township and city have 6 months to negotiate the interceptor cost distribution.

Mr. Wingert made a motion, seconded by Mr. Brandstedter, authorizing Solicitor Young to begin negotiations with the York City Sewer Authority on the cost distribution for the interceptor upgrade per DEP directive.

Motion carried. Ayes-5 Nays-0.

York City Wastewater Treatment Plant Intermunicipal Agreement

As summarized in item #6 of the manager's report, Solicitor Young reported that the York City Wastewater Treatment Plant connective municipalities have been discussing the draft intermunicipal agreement update developed by legal counsel for the City of York. Mr. Hauck and Mr. James reported attending a June 1, 2016 meeting with the connective municipalities to discuss the draft agreement. Solicitor Young reported that on July 1, 2016 he sent correspondence to York City's Attorney Scott Wyland expressing the board's desire to complete an agreement with the York City sewer interceptor upgrade project before agreeing to execute York City Wastewater Treatment Plant intermunicipal agreement.

Stormwater Facility Maintenance Fee

As summarized in item #7 of the manager's report, Solicitor Young reviewed the board's concern regarding storm water facilities that are not properly maintained by residential developments without a homeowners/communities association or developments with homeowners/communities association that may not be currently active. Solicitor Young stated he is working on an ordinance for board consideration for a future date. Mr. Brosend expressed concern about fee consideration being equitable relative to property size. Mr. Brosend also expressed concern that funds from currently dormant Spring Meadows Homeowners Association can be found to pay for stormwater facility maintenance concerns in said development.

NEW BUSINESS**York PB Truss – Review #2016-06 – 2-Lot Final Subdivision Plan**

James Barnes of James R. Holley & Associates, Inc., was present to present a final two (2) lot minor subdivision of 22.21 acres located at 3487 Susquehanna Trail in an Industrial (I) zoning district. Mr. Treglia reported that subdivision plan had no outstanding items at this time.

Mr. Brosend made a motion, seconded by Mr. Wingert, to approve the final two (2) lot minor subdivision plan York PB Truss.

Motion carried. Ayes-5 Nays-0.

Park Rules Amendment Recommendation

As summarized in item #8 of the manager's report, the board discussed the park rules recommendation by the Manchester Township Recreation Commission. Mr. Hauck made a motion, seconded by Mr. Wingert, to authorize the solicitor to advertise the amended park rules ordinance per recommendation by the recreation commission, including but not limited to prohibiting vaping; limiting the use of drones, motorized vehicles and clearer definition of permitted business activities in the parks. Motion carried. Ayes-5 Nays-0.

2016 Financial Matters

As summarized in item #9 of the manager's report, Mr. James reported mid-year 2016 un-reconciled general fund revenues are running at 61% of budget, with expenditures running at 43%. Mr. James reported that there were no indications that budget adjustments would be necessary at this point.

Municipality Truck Access – State Route 0921 – Canal Road

As summarized in item #10 of the manager's report, Mr. James reported the June 16, 2016 receipt of PennDOT's request for comment for consideration of designating state Route 0921 – Canal Road as a truck access route. Mr. James distributed review comments by Traffic Engineer Mark Henise to the board. Mr. Brandstedter expressed concern on the impact on residential properties with the considered designation change. The board by consensus expressed concern on the impact to the Susquehanna Trail and Church Road corridors, as well as impact on residential properties and would request traffic study data prior to PennDOT's designation change.

Emergency Management Coordinator

As summarized in item #11 of the manager's report, Fire Chief Hoff reported that due to the recent retirement of Former Chief McCoy, the York Area United Fire and Rescue Regional Emergency Management Agency has recommended Battalion Chief Joseph Madzellan serve in the capacity of Regional Emergency Management Coordinator. Chief Hoff reported each participating municipality would individually require action on the recommendation. Mr. Brandstedter made a motion, seconded by Mr. Hauck, to recommend to Governor Tom Wolf that Battalion Chief Joseph Madzellan serve as the Manchester Township Emergency Management Coordinator. Motion carried. Ayes-5 Nays-0.

Annual MS4 Presentation

Engineer Treglia reported that as a follow-up to the action taken at the February 11, 2003 meeting to authorize the filing of a Notice of Intent (NOI) with the Pennsylvania Department of Environmental Protection (DEP) as the first step in coming into compliance with the federal NPDES Phase II storm water conveyance system regulations, the "Municipal Separate Storm Water and Sewer System" (MS4) program regulations require that an annual report be submitted to DEP by the end of July of each year. He advised that the regulations also require that prior to the submission of the annual report, a discussion about the report be listed as an agenda item for a public meeting of the municipality. He reported that his firm, with assistance from Zoning/Planning Officer Olewiler, had been working to prepare the 2015 annual report. Mr. Treglia distributed a July 12, 2016 summary sheet that included the items that had been accomplished during the 2015-2016 reporting period. Mr. Treglia reported the renewed general permit took effect on May 1, 2013 and will expire on April 30, 2018. Mr. Treglia also reported on the DEP's MS4 program update and the major cost and personnel efforts associated with the updated program, which are scheduled to be implemented in the fall of 2017. Mr. Treglia reviewed the six (6) point action plan contained in the NOI to be implemented within five (5) years, included the following:

- a) Public Education & Outreach – Distributed flyers, newsletter articles, public service announcements. Each quarterly newsletter since April 2003 has contained some information about the MS4 program, with a DEP-supplied information sheet having been included into the township newsletter. Additionally, on September 8, 2008, the board of supervisors approved an updated Memorandum of Understanding with the Watershed Alliance of York (WAY) to assist with public education. Also reported about the public works department project, using staff and volunteers, installed over 1,000 plaques that have been purchased to affix to storm water inlets and street inlets throughout the township for public education.
- b) Public Participation/Involvement – Engaged volunteer groups such as WAY to assist in monitoring the storm sewer system. Reviewed the status of Act 167 watershed studies for the branches of the Codorus Creek and Little Conewago Creek that affect Manchester Township.
- c) Illicit Discharge Detection & Elimination – Completed the project to create a comprehensive map of the storm sewer system and establish a systematic inspection schedule. C.S. Davidson, Inc., with assistance from public works employees, identified the storm water "outfall" locations.

- d) Construction Site Runoff Control – Require that an erosion control plan be submitted and reviewed by an appropriate agency for disturbances of areas over 5,000 square feet. This requirement has been met by the board's September 11, 2007 approval of the updated Memo of Understanding (MOU) with the York County Conservation District.
- e) Post Construction Runoff Control – Establish Best Management Practices (BMP) for the ongoing maintenance of storm water management facilities including the adoption of a revised storm water management ordinance. Completed a catalog of existing storm water management basins. Established a "Municipal Storm Water Maintenance Fund" to cover costs of biennial inspections of storm water management facilities by the township engineer.
- f) Pollution Prevention/Good Housekeeping – Develop a plan for municipal properties and techniques to assure that the township, itself, is not introducing pollutants into the storm sewer systems. Discussions have been held with Public Works Superintendent Goodyear about developing the required plan.

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.

EXECUTIVE SESSION - (MTCFFA Collective Bargaining Agreement / DEP Consent Order and Agreement)

Chairperson Wingert called the board for adjournment to executive session from 8:31-9:20 pm to discuss the Manchester Township Career Fire Fighters Association Collective Bargaining Agreement process and the DEP Consent Order and Agreement negotiations.

MANAGER'S REPORT –

Item #17 - Mr. James reported that he and Supervisor Lisa Wingert met with York County Commissioner Doug Hoke regarding concerns with the County Hotel Tax relative to emergency services the township provides to hotels. Solicitor Young reported he had spoken with County Solicitor Glenn Smith on the matter and was informed that the legislation on how the Hotel Tax is distributed is specific and does not allow for expenditures for municipal emergency services.

OTHER BUSINESS/REPORTS

Fire Chief Hoff was present to express concern with the ongoing maintenance conditions of both township ambulances. Chief Hoff explained one ambulance has remained out of service due to a blown engine (estimated \$15,000 - \$23,000 repair) and the other rig having three recent repairs that put the piece out of service for extended periods. Chief Hoff reported he discovered a 2003 fully-equipped ambulance with approximately 49,000 miles being sold via closed bid submission by Goldsboro Fire Company who will no longer be providing emergency services. After a lengthy discussion, Mr. Brandstedter made a motion, seconded by Mr. Hauck, to authorize Chief Hoff to prepare and submit a bid to Goldsboro Fire Company for the 2003 ambulance.

Motion carried. Ayes-5 Nays-0.

Mr. James reported that the current water termination process for extensive sewer arrears customers has reached nearly two weeks of no water for nine (9) properties. Mr. James asked the board for guidance on further action relative to the nine (9) properties, expressing concern with properties in potential uninhabited conditions. Solicitor Young recommended the board may want to consider more aggressive action in the lien process which could aid in receiving delinquent payments. Mr. Hauck made a motion, seconded by Mr. Brandstedter, authorizing Solicitor Young to actively act on liens relative to properties with water termination.

Motion carried. Ayes-5 Nays-0.

Mr. James reported that Fire Chief Hoff had submitted the June 2016 monthly report.

Mr. James reported that Engineer Treglia had submitted the July 12, 2016 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: June 15-28; June 29-July 12, 2016. Ayes-5 Nays-0. Motion carried.

ADJOURNMENT

Being no further business, Mr. Hauck made a motion to adjourn the meeting at 9:22 pm.

Respectfully submitted,



Timothy R. James, Secretary

TRJ/jas