

**MANCHESTER TOWNSHIP  
BOARD OF SUPERVISORS**

**September 13, 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, September 13, 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  
Stewart S. Olewiler, Zoning/Planning  
Lawrence V. Young, Esq., Solicitor

**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 August 9, 2016 meeting as submitted. Ayes-5 Nays-0. Motion carried.

**UNFINISHED BUSINESS**

**Northern York County Regional Police Department – Chief Bentzel**

Northern York County Regional Police Department (NYCRPD) Chief Mark Bentzel was present to discuss 2017 budgeting and staffing concerns for Manchester Township. Chief Bentzel reported receiving the board's request to drop 2017 policing unit allocation for Manchester Township from 67 units to 63 units to more accurately reflect the service calls for 2014 and 2015 as per March 2016 staffing study completed by Chief Bentzel. On March 8, 2016 the board took action to drop 2017 level of service from 67 to 63 units in advance of the March 31<sup>st</sup> deadline of notification to NYCRPD Commission as stipulated in Resolution #99-02. Chief Bentzel requested the board consider a drop to 65 units as opposed to the requested 63 units due to the year to date service call volume for 2016 running 10.56% ahead of 2015 call levels. Chief Bentzel detailed the type of response calls and the increase in the most serious forms of calls (Part 1) in Manchester Township. Ms. Wingert expressed concern over the response calls to hotels and questioned the possibility to establish a service fee to help aid in the service call costs associated with said calls. Solicitor Young stated he would research the prospective subject.

After a lengthy discussion, Mr. Hauck made a motion, seconded by Mr. Brosend, to accept a two unit reduction of police services for 2017 as recommended by Chief Bentzel.

Motion declined. Ayes-2 Nays-3 (L. Wingert, K. Wingert, Brandstedter opposed).

### **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 (YAUFRR) Commission concerning any future interest that the Manchester Township Board of Supervisors may have in having Manchester Township join YAUFRR as a participating municipality, on November 17, 2011 Ms. Wingert and Mr. James met with YAUFRR Solicitor Steve Hovis, Fire Chief Robert McCoy and YAUFRR Commission Members Don Bishop and Austin Hunt to continue dialogue regarding advantages and disadvantages in a potential merger of fire services with YAUFRR. 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 YAUFRR 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. Supervisor Wingert reported work continues on merged agreement draft. Chief Hoff reported the YAUFRC Commission would like the board to consider having two representatives from Manchester Township to participate in a non-voting role in YAUFRC Commission meetings. The board representatives Ms. Wingert and Mr. Brosend indicated they would attend future YAUFRC 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 Leshar 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.

#### **York City Interceptor – Letter of Intent**

As summarized in item #4 of the manager's report, Solicitor Young updated the board on the action by the York City Sewer Authority to authorize a Letter of Intent that would agree on the cost sharing of the City Interceptor from Manhole #8 to the treatment facility that would include the York City Sewer Authority being responsible for the construction as well as all costs above and beyond the normal construction costs, due to the placement of utilities in proximity of said section.

Mr. Brandstedter made a motion, seconded by Mr. Hauck, to authorize the Chairperson or Vice-chairperson to execute the Letter of Intent with the York City Sewer Authority on the cost sharing responsibilities with the interceptor upgrade project including the responsibility of costs above and beyond normal construction costs, from Manhole #8 to the treatment facility due to the placement of utilities in proximity of said section.

Motion carried. Ayes-5 Nays-0.

#### **Stormwater Facility Maintenance Fee**

As summarized in item #5 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.

**Ordinance #2016-03 - Park Rules Amendment Recommendation**

As summarized in item #6 of the manager's report, the board discussed the recommendation by the Manchester Township Recreation Commission amending the park rules ordinance including but not limited to prohibiting vaping; limiting the use of drones, motorized vehicles and clearer definition of permitted business activities in the parks. Solicitor Young reported that the draft ordinance was advertised and updated to include text that would allow uses when granted permission by recreation director or township designee.

Mr. Hauck made a motion, seconded by Mr. Brosend, to amend the park rules ordinance to include 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.

**Zoning Text Amendment Request – Community Commercial Sports Facility**

As summarized in item #7 of the manager's report, after a lengthy discussion by the board with input from the developer and staff, the board directed Solicitor Young to develop an updated draft text amendment utilizing the most recent text amendment submission and including updated language on outdoor time, sound system and lighting usage. Solicitor Young distributed an updated draft text amendment ordinance that included language limiting time for outdoor use, prohibiting outdoor public address system, among other changes expressed by the board. After a lengthy discussion, the board agreed to set a public hearing for the consideration of amended zoning ordinance on October 19, 2016 at 6:00 p.m.

Mr. Brandstedter made a motion, seconded by Mr. Hauck, to have Solicitor Young advertise the draft ordinance to amend the text in the zoning ordinance to include Community Sports Facility as a use permitted by special exception in both the Office (O) and Residential High Density (RH) zoning districts and the definition and regulations proposed in distributed copy entitled Exhibit A be adopted with said zoning text amendment request.

Motion carried. Ayes-5 Nays-0.

**NEW BUSINESS****Woodland View Associates, LLC Final Subdivision Plan – Review #2016-08**

James Barnes of James R. Holley & Associates, Inc., was present to present a final subdivision plan for Eagle's View Phase 2 located along the 600 block of Rishel Drive in a Residential Low Density Open Space zoning district. Mr. Barnes reported that the plan is the next phase of the Eagle's View subdivision adding 19 residential lots. Mr. Barnes stated that as part of the original subdivision the land for Eagle's View Park was dedicated to the township that satisfies the recreation requirements for the entire subdivision of 163 lots.

Mr. Hauck made a motion, seconded by Mr. Brandstedter, to approve the following waiver:

W1) For cul-de-sac street lengths greater than 500 feet. The phase should provide road connection to Sinking Springs Lane, or a 5-year limit instituted at which time the road connection shall be completed.

Motion carried. Ayes-5 Nays-0.

Mr. Hauck made a motion, seconded by Mr. Wingert, to approve the Woodland View Associates, LLC, Review #2016-08 Final Subdivision Plan.

Motion carried. Ayes-5 Nays-0.

Mr. Wingert made a motion, seconded by Mr. Hauck, to approve the stormwater maintenance and operation agreement with said plan.

Motion carried. Ayes-5 Nays-0.

### **2017 Budget**

As reported in item #8 of the manager's report, Mr. James reported that he had begun work on the 2017 budgets. Mr. James advised that he expected to have a draft budget prepared for discussion at the October 11, 2016 meeting; a proposed budget to be introduced at the November 8, 2016 meeting; and, final adoption being scheduled for the December 13, 2016 meeting. He requested that the board members provide any 2017 budget parameters (e.g., levels of service; specific projects, etc.) that they may wish as soon as possible, as the date for the submission of departmental and affiliated agencies budget requests was September 12, 2016.

Mr. James advised that among the items that would have an impact on the 2017 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 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.

### **York County Second Class Township Convention Authorization**

As summarized in item #9 of the manager's report, Mr. Hauck made a motion, seconded by Mr. Brandstedter, to authorize the following attendance at the November 10, 2016 York County 2<sup>nd</sup> 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.

Motion carried. Ayes-5 Nays-0.

#### **York County Regional Chesapeake Bay Pollutant Reduction Plan Roll-Over**

As summarized in item #10 of the manager's report, Mr. James reported his attendance of an August 31, 2016 meeting held by York County Planning Commission regarding updates to the Municipal Separate Storm Sewer System (MS4) reporting requirements established by the Pennsylvania Department of Environmental Protection beginning in 2017. Mr. James reported the requirements set in the new MS4 Permit will require more mapping and reporting on impaired streams within county. Mr. James stated Manchester Township's current participation in the regional Chesapeake Bay plan does not include the additional requirements set forth in the new regulations, requiring consideration by York County municipalities to participate cooperatively in the roll-over plan. Mr. James stated that York County Planning Commission has begun the development of updated pollutant reduction plan at no cost to the municipalities through a grant match by the County of York, Army Corps of Engineers and Herbert, Rowland and Grubic, Inc. Mr. James also stated the future participation costs are not known at this time.

Mr. Hauck made a motion, seconded by Mr. Brandstedter, to approve Resolution #2016-11 to Opt-in for participation in the York County Regional Chesapeake Bay Pollutant Reduction Plan Roll-over. In addition the board assigned Zoning/Planning Officer Olewiler and Manager James to representing Manchester Township in plan participation.

Motion carried. Ayes-5 Nays-0.

#### **Sewer Transfer Request**

As summarized in item #11 of the manager's report, Mr. Hauck made a motion, seconded by Mr. Brandstedter, to authorize the board chairperson or vice-chairperson to execute the following acquisition of reserved sewer capacity:

- a) Transfer of one (1) EDU (300 GPD) of Dover Township Wastewater Treatment Plant from Kinsley Equities II, LP to George P. and Patricia A. Margetas for 1528 Winsford Lane.

Motion carried. Ayes-5 Nays-0.

#### **Fire Police Request**

As summarized in item #12 of the manager's report, Mr. Brosend made a motion, seconded by Mr. Hauck, to authorize the following fire police request retroactively:

- a) Week of September 3-10, 2016 at Dover Union Fire Company, 30 East Canal Road, Dover, for the annual Dover Union Fire Company Carnival. This is a reciprocal assistance as Dover Borough assisted at Summer Fun Festival on August 6.

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.

Louise Zook, 395 Skyview Drive; Judy Weaver, 131 Forest Hill Road and Deb Martin, 125 Forest Hill Road, were in attendance to express concerns with a group home residence at 405 Skyview Drive. Ms. Zook expressed concern over parking, noise and unusual activity at the residence. Ms. Wingert suggested Ms. Zook may want to contact the CEO of Life's New Beginnings, the owner of the residence. Mr. Olewiler reported that the township granted an occupancy permit to the owners of the property on December 30, 2015 to operate a residential group home for people with intellectual disabilities. Mr. Brosend suggested if further investigation warrants a complaint could be filed with the state. Ms. Zook, Ms. Weaver and Ms. Martin all expressed frustration on the matter.

### **EXECUTIVE SESSION - (MTCFFA Collective Bargaining Agreement / DEP Consent Order and Agreement/ York City Interceptor Agreement Negotiations)**

No executive session was held.

### **MANAGER'S REPORT –**

Item #13 - Mr. James reported that the township completed a Municipal Separate Storm Sewer System audit conducted by the Pennsylvania Department of Environmental Protection on August 23, 2016.

### **OTHER BUSINESS/REPORTS**

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

Mr. James reported that Engineer Treglia had submitted the September 13, 2016 engineer's report.

Mr. James reported receipt of the Northern York County Regional Police Department August 16, 2016 report.

Mr. James reported resident concern relative to accident activity or signal timing at Lewisberry Road/Millcreek Road and Susquehanna Trail/Stillmeadow Lane respectively. Mr. Brandstedter made a motion, seconded by Mr. Hauck, to authorize the traffic engineer conduct traffic studies for intersections at Lewisberry/Millcreek Roads and Susquehanna Trail/Stillmeadow Lane. Motion carried. Ayes-5 Nays-0.

Solicitor Young reported receipt of a letter from Attorney LC Heim requesting board consideration for a transfer of a Pennsylvania Liquor License from 840 Carlisle Road in West Manchester Township to 2125 Susquehanna Trail. Solicitor Young stated that according to the state liquor code, intra-county transfers of liquor licenses are permitted and in addition, a public meeting to consider said transfer would be required. The board

by consensus authorized the advertisement of a public meeting regarding the proposed transfer to occur on October 11, 2016 at 6:45 p.m.

Solicitor Young reported on the current process of collecting payment from sewer customers in arrears. After discussions, the board by consensus authorized Solicitor Young to continue the process in an attempt to collect on delinquent accounts.

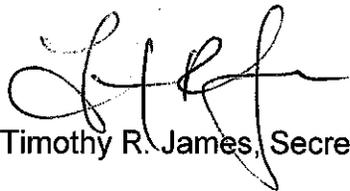
#### **APPROVAL OF VOUCHERS**

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 10-23; August 24-September 6; September 7-13, 2016. Ayes-5 Nays-0. Motion carried.

#### **ADJOURNMENT**

Being no further business, Mr. Hauck made a motion to adjourn the meeting at 9:24 pm.

Respectfully submitted,



Timothy R. James, Secretary

TRJ/jas