

**MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS**

October 11, 2016

Public Hearing (6:45 pm) Liquor License Transfer Request (YCS151921, LLC)

Chairperson Wingert called the advertised public hearing to order at 6:45 pm. Ms. Wingert announced that the purpose of the hearing was to receive public comment about a September 13, 2016 letter from Attorney L.C. Heim, who represents YCS151921, LLC, a wholly owned subsidiary of Rutter's Holding, Inc., in which he advised that his client had entered into an agreement to purchase Pennsylvania Restaurant Liquor License #R-18285 from an establishment in West Manchester Township and had requested permission to transfer the license to 2125 Susquehanna Trail in Manchester Township.

Solicitor Young advised that Pennsylvania Act 141 of 2000 requires that before the Pennsylvania Liquor Control Board can approve an inter-municipal license transfer, the governing body of the receiving municipality, "shall, within forty-five (45) days of a request for approval, render a decision by ordinance or resolution, to approve or disapprove the applicant's request for an inter-municipal transfer of a license." He advised that the governing body of the receiving municipality must also hold at least one (1) advertised public hearing "for the purpose of receiving comments and recommendations of interested individuals residing within the municipality concerning the applicant's intent to transfer a license..."

Attorney David Mattieau, representing Rutter's Holding, Inc. was present to present the request for the approval of the liquor license transfer from West Manchester Township to Manchester Township.

Mr. Mattieau testified that Rutter's Holding, Inc. planned to make changes to the Rutter's Farm Store at 2125 Susquehanna Trail that could offer to sell alcoholic beverages up to two six-packs and offer restaurant service of only one alcoholic beverage per restaurant customer. Mr. Mattieau also stated if a liquor license transfer was approved by the township, Pennsylvania Liquor Control Board approval would still be needed.

Ms. Wingert invited any questions or comments from any township residents who were present at the meeting. No questions, comments or testimony was offered for or against the request.

Mr. Hauck made a motion, seconded by Mr. Brandstedter, to close the public hearing at 6:54 pm.

Motion carried. Ayes-5 Nays-0.

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, October 11, 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
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 September 13, 2016 meeting as submitted. Ayes-5 Nays-0. Motion carried.

UNFINISHED BUSINESS**Resolution #2016-12 – Liquor License Transfer Approval**

As summarized in item #2 of the manager's report, Solicitor Young reported the board of supervisors held an October 11, 2016 (6:45 p.m.) hearing to consider the transfer of Pennsylvania Liquor License R-18285 from AM Enterprises, LLC, located at 840 Carlisle Road, West Manchester Township, York County to YCS151921, LLC, (subsidiary owned by Rutter's Holding, Inc.), 2125 Susquehanna Trail, Manchester Township, York County as required by Pennsylvania Act 141 of 2000.

Mr. Brandstedter made a motion, seconded by Mr. Hauck, to approve Resolution #2016-12 allowing the transfer of Pennsylvania Restaurant Liquor License R-18285 from AM Enterprises, LLC in West Manchester Township to YCS151921, LLC, 2125 Susquehanna Trail, Manchester Township.

Motion carried. Ayes-5 Nays-0.

York Area United Fire & Rescue Services Proposal

As summarized in item #3 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 YAUFRC Solicitor Steve Hovis, Fire Chief Robert McCoy and YAUFRC Commission Members Don Bishop and Austin Hunt to continue dialogue regarding advantages and disadvantages in a potential merger of fire services with YAUFRC. 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 YAUFRC Commission to develop a financial analysis and that Mr. Kapoor provided general financial information that confirmed short and long term savings with merging with YAUFRC. Mr. James reported that following Manchester Township Board of Supervisors action on January 3, 2012 to request membership consideration by the YAUFRC Commission, Ms. Wingert received a January 27, 2012 letter from YAUFRC Chairperson William Schenck confirming acceptance of the membership consideration request. Chief McCoy presented the board with a draft memorandum of understanding between YAUFRC Commission and Manchester Township in an attempt to begin negotiations for Manchester Township to become a charter member of YAUFRC. On December 10, 2013 the board adopted a resolution that Manchester Township move forward with negotiations with the YAUFRC Commission in an attempt to consolidate the fire service in the future. Chief McCoy reported that on April 15, 2014 the YAUFRC Commission approved a proposed agreement be offered to Manchester Township for consideration for an immediate identity transfer from Manchester Township to YAUFRC; 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 YAUFRC 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 YAUFRC to begin discussions related to collective bargaining agreements. Mr. James reported that he, Supervisors Lisa Wingert and Brosend met with Chief McCoy, YAUFRC Solicitor Hovis, YAUFRC 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 #4 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 #5 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 previously 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 six (6) months to negotiate the interceptor cost distribution. Mr. James also reported that after conversation with Victor Landis of DEP, it may be possible for Manchester Township to submit a separate DEP permit on the project as well as allowing limited connections within a potential Consent Order and Agreement.

Stormwater Facility Maintenance Fee

As summarized in item #6 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. Solicitor Young distributed a sample ordinance for board comment. Mr. Brandstedter requested clearer language on prorating costs associated with fees and/or liens. Mr. Hauck made a motion, seconded by Mr. Brandstedter, to authorize the solicitor to advertise a draft ordinance that set responsibilities of developers and landowners relative to stormwater management facilities.

Motion carried. Ayes-4 Nays-1 (Brosend opposed).

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. On September 13, 2016 the board authorized 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. A public hearing for the consideration of amended zoning ordinance scheduled for October 19, 2016 at 6:00 p.m. has been advertised.

2017 Budget

As reported in item #8 of the manager's report, Mr. James reported that he had distributed a draft budget 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 the 2017 draft budget shows a total budget of \$14,027,440 or an increase of \$104,170 from 2016. Mr. James reported that general fund budget total is \$10,921,260 or .37% increase from 2016. Mr. James also reported among the items that would have an impact on the 2017 General Fund budget are: a) little growth in real estate assessed value, realty transfer tax, earned income tax, local services tax, and mercantile/business privilege tax revenues combined with significant decreases in revenue from interest earnings, and uniform construction code fees because of a slowdown in residential property sales and construction; b) increased workers compensation, health, property, and vehicle insurance costs; c) increased costs to maintain seven (7) parks that total 145 acres; d) fire, public works and park maintenance vehicle and equipment repairs; e) increased costs associated with stormwater regulations.

NEW BUSINESS

John J. and Alice M. Connelly – Review #2016-09

Patti Fisher of James R. Holley & Associates, Inc., was present to present a final minor reverse subdivision plan for 1.36 acre parcel located along the west side of the 700 block of Greenbriar Road in a Residential Low Density Open Space zoning district. Ms. Fisher reported that the plan is a simple reverse subdivision joining one developed lot to the undeveloped adjacent lot.

Mr. Hauck made a motion, seconded by Mr. Brosend, to approve the John J. and Alice M. Connelly, Review #2016-09 Final Minor Reverse Subdivision Plan.

Motion carried. Ayes-5 Nays-0.

Resolution #2016-13 – Distribution of 2016 State Municipal Pension Aid

As summarized in item #9 of the manager's report, Mr. Hauck made a motion, seconded by Mr. Wingert, to adopt Resolution #2016-13 to authorize the distribution of \$414,758.45 in 2016 state pension aid that was received in two (2) separate checks or direct deposits on September 23, 2016 to the respective employee pension plans.

Motion carried. Ayes-5 Nays-0.

CPA Appointment Notice Authorization

As summarized in item #10 of the manager's report, Mr. Hauck made a motion, seconded by Mr. Wingert, to authorize the advertisement with the thirty (30) day public notice of the board's intent to appoint Kochenour, Earnest, Smyser & Burg, CPA to complete the 2016 township financial statements at a fee of \$14,400.

Motion carried. Ayes-5 Nays-0.

SPCA Annual Animal Care and Housing Agreement

As summarized in item #11 of the manager's report, Mr. Hauck made a motion, seconded by Mr. Brandstedter, to authorize chairperson or vice-chairperson to execute the "Stray Animal Housing and Disposal" agreement with the York County SPCA for 2017 for the annual fee of \$9,081.

Motion carried. Ayes-5 Nays-0.

Annual Animal Control Agreement

As summarized in item #12 of the manager's report, Mr. Brandstedter made a motion, seconded by Mr. Wingert, to authorize the chairperson or vice-chairperson to execute the 2017 Animal Control Service agreement with Mike Ellis Animal Control for a monthly fee of \$340 and an annual \$500 service retainer.

Motion carried. Ayes-5 Nays-0.

RECOGNITION OF PUBLIC PRESENT

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

Daniel Shade, 3035 North George Street, was present to express concern with his observation with vehicular traffic ignoring the "Right Turn Only" signage on the eastern approach on West Locust Lane at North George Street. Mr. Shade suggested the board may want to consider additional options such as reflective poles to force traffic to turn right as directed. The board asked the staff to review the situation.

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

Ms. Wingert adjourned the public meeting for an executive session from 8:42-8:56 p.m. to discuss Manchester Township Collective Bargaining Agreement arbitration process.

MANAGER'S REPORT -

Item #13 - The board by consensus asked the staff to contact those persons who have expiring terms on boards and commissions to seek their interest in accepting another term.

Item #18 - Engineer Treglia presented change order request #1 from Fitz and Smith Contractors, Inc., relative to the 2016 sanitary sewer project on Midpine Drive. Mr. Hauck made a motion to approve Change Order #1 in the amount of \$3,067.50 for 2016 sanitary sewer project on Midpine Drive.

Motion carried. Ayes-5 Nays-0.

Engineer Treglia also reported on findings from field observations on the stormwater complaint brought forth by Gerry Anderson, 1355 Detwiler Drive. Mr. Anderson expressed ongoing concern that improvements the

township made at Kildore Court have caused adverse stormwater problems at his residence. The board directed Engineer Treglia to analyze options to Mr. Anderson's claim.

Item #24 - The board by consensus, agreed to schedule both the 2017 organizational meeting and regular board meeting for January 3, 2017.

OTHER BUSINESS/REPORTS

Solicitor Young reported that he is continuing efforts in preparing a draft resolution and subsequent fee schedule resolution for board consideration in the future, with respect to delinquent sewer accounts and associated liens.

Fire Chief Hoff reported on continued mechanical issues with both ambulances in the fire service fleet. After a lengthy discussion, Mr. Hauck made a motion, seconded by Mr. Brandstedter, to authorize the staff to purchase a pre-owned ambulance at a not-to-exceed cost of \$30,000.

Motion carried. Ayes-5 Nays-0.

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

Mr. James reported that Engineer Treglia had submitted the October 11, 2016 engineer's report.

Mr. James reported receipt of the Northern York County Regional Police Department September 20, 2016 report.

APPROVAL OF VOUCHERS

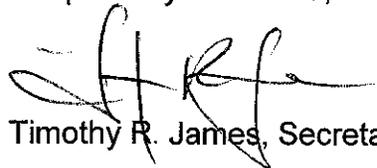
Mr. Hauck made a motion, seconded by Mr. Brandstedter, to approve the payment of the vouchers as listed on the Treasurer's Checks Vouchers List: September 14-20; September 21-27; September 28-October 4; and October 5-11, 2016.

Motion carried. Ayes-5 Nays-0.

ADJOURNMENT

Being no further business, Mr. Hauck made a motion to adjourn the meeting at 8:57 pm.

Respectfully submitted,



Timothy R. James, Secretary

