

**MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS**

November 8, 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, November 8, 2016, which was called to order at 7:00 p.m. by Chairperson Lisa Wingert.

PARTIES PRESENT

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

RECOGNITION OF APPRECIATION

Fire Chief Daniel Hoff presented certificates of appreciation to Captain Richard Brocius, Firefighter Chris Brehm and Firefighter Christopher Mowry for extraordinary efforts relative to a medical service call on May 31, 2016.

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 October 11 and 19, 2016 meetings as submitted. Ayes-5 Nays-0. Motion carried.

UNFINISHED BUSINESS

Ordinance #2016-04 – Zoning Text Amendment – Community Commercial Sports Facility

As summarized in item #2 of the manager's report, Zoning/Planning Officer Olewiler reviewed the process for which a zoning text amendment for a community commercial sports facility could be permitted as a use permitted by special exception in both the Residential High Density (RH) and Office (O) zones is being considered by the board, including two public meetings. Solicitor Young reminded the board that 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. Kathleen Durgin, 2005 Village Circle East, expressed concern on if a tax analysis was considered in allowing a commercial sports complex versus high density housing. Glenn Miley, 230 Piedmont Drive, expressed concern with the traffic impact relative to the Susquehanna Trail - Lightner Road intersection. Cheri Miley, 230 Piedmont Drive, expressed concern with the devaluing of surrounding properties and increase crime. Robert Jasper, 2130 Bernays Drive, expressed concern with updating the roadways to handle the increased traffic. Edwin Smyser, 2065 Village Circle East, offered a petition of 140 signatures from the residents of Susquehanna Village that oppose the development of a sports complex on Susquehanna Trail, specifically traffic related. Shelva Eller, 636 Sinking Springs Lane, expressed concerns relative to security and traffic and expressed the opinion that a sports complex does not belong in this area. Gavin Markey, Attorney for Rutters Properties, Inc. stated that the special exception process allows for continued public input during the development/planning process. Mr. Brandstedter made a motion, seconded by Mr. Wingert, to adopt Ordinance #2016-04 that would amend the text in the zoning ordinance to include Community Commercial Sports Facility as a use permitted by special exception in both the Office (O) and Residential High Density (RH) zoning districts and that the definition and regulations proposed in distributed copy entitled Exhibit A. 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 YAUFR Solicitor Steve Hovis, Fire Chief Robert McCoy and YAUFR Commission Members Don Bishop and Austin Hunt to continue dialogue regarding advantages and disadvantages in a potential merger of fire services with YAUFR. Ms. Wingert and Former Supervisor Young reported that they participated in a conference call with Vijay Kapoor of Public Financial Management, Inc., who had been contracted by the YAUFR Commission to develop a financial analysis and that Mr. Kapoor provided general financial information that confirmed short and long term savings with merging with YAUFR. Mr. James reported that following Manchester Township Board of Supervisors action on January 3, 2012 to request membership consideration by the YAUFR Commission, Ms. Wingert received a January 27, 2012 letter from YAUFR Chairperson William Schenck confirming acceptance of the membership consideration request. Chief McCoy presented the board with a draft memorandum of understanding between YAUFR Commission and Manchester Township in an attempt to begin negotiations for Manchester Township to become a charter member of YAUFR. On December 10, 2013 the board adopted a resolution that Manchester Township move forward with negotiations with the YAUFR Commission in an attempt to consolidate the fire service in the future. Chief McCoy reported that on April 15, 2014 the YAUFR Commission approved a proposed agreement be offered to Manchester Township for consideration for an immediate identity transfer from

Manchester Township to 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 would attend future YAUFRR Commission meetings. Mr. James stated he had nothing new to report.

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 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 #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. Solicitor Young distributed a proposed cost sharing agreement with the York City Sewer Authority to the board for comment and possible future action.

Ordinance #2016-05 - 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. Wingert made a motion,

seconded by Mr. Hauck, to adopt Ordinance #2016-05 that establishes stormwater fees be assessed to residential properties for which stormwater drains to facilities that are not properly maintained or provides the residents the option to establish a community maintenance program for proper maintenance of the stormwater facilities.

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

2017 Budget

As reported in item #7 of the manager's report, Mr. James reported that he had distributed a draft budget for discussion at the October 11, 2016 meeting; distributed a proposed budget at the November 8, 2016 meeting, for consideration of a final adoption being scheduled for the December 13, 2016 meeting.

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. Mr. Hauck made a motion, seconded by Mr. Brandstedter, to authorize that the proposed 2017 budgets be advertised for adoption at the December 13, 2016 meeting.

Motion carried. Ayes-5 Nays-0.

NEW BUSINESS

PA Task Force 1 – Agreement Amendment

As summarized in item #8 of the manager's report, Mr. James reported on a request by Pennsylvania Task Force One Urban Search and Rescue to update a current agreement to utilize services of Firefighter Richard Godfrey in training or in an emergency. Mr. Brandstedter made a motion, seconded by Mr. Hauck, to authorize the chairperson, or vice-chairperson to execute the updated Memorandum of Agreement amendment with the City of Philadelphia to permit Career Firefighter Richard Godfrey to participate in the Pennsylvania Urban Search and Rescue Task Force One.

Motion carried. Ayes-5 Nays-0.

York County Joint Fuel Purchasing

As summarized in item #9 of the manager's report, Mr. Wingert made a motion, seconded by Mr. Brosend, to authorize Manchester Township's participation in the intergovernmental joint bidding for bulk delivery fuel with the County of York for the 2017/2018 contract year.

Motion carried. Ayes-5 Nays-0.

Legal Fees – Municipal Liens

As summarized in item #10 of the manager's report, Solicitor Young reported on the amount of staff and legal efforts involved in enforcement of municipal liens and suggested the board consider a resolution to allow for said fees to be collected. Mr. Brandstedter made a motion, seconded by Mr. Hauck, to adopt Resolution #2016-14 establishing a fee schedule to allow for the collection of legal fees relative to municipal lien filing as listed: fixed fee of \$150.00 for legal fees associated with collection letters, legal notifications, payment demands, etc.; filing municipal liens; and satisfying municipal liens, also legal fees at \$150.00 per hour for execution action against real property to enforce municipal liens.

Motion carried. Ayes-5 Nays-0.

Small Cell Lease Agreement – Route 30 / Pennsylvania Avenue

As summarized in item #11 of the manager's report, Mr. Hauck made a motion, seconded by Mr. Brandstedter, to authorize the chairperson or vice-chairperson to execute an agreement with the City of York relative to the split of revenue from the Small Cell installation in the proximity of Pennsylvania Avenue and Route 30.

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.

EXECUTIVE SESSION

No executive session was held.

MANAGER'S REPORT –

Item #28 - Mr. Brandstedter made a motion, seconded by Mr. Hauck, to authorize the manager to enter into a four (4) year (2017-2020) extension with Constellation New Energy at a fixed rate of 5.45 KWH for electrical supply in cooperation with the intergovernmental cooperation agreement through the Pennsylvania League of Cities and Municipalities.

Motion carried. Ayes-5 Nays-0.

OTHER BUSINESS/REPORTS

Solicitor Young reported that he has received communication that discussions regarding the intermunicipal agreement with the City of York Sewer Treatment Plant have been reopened and that he will update the board accordingly as discussions materialize.

Solicitor Young reported he is reviewing a request by YAUFRC Commission for an amendment to the township alarm ordinance for future board consideration.

Fire Chief Hoff reported on the purchase of a 2006 Ford Ambulance from Dover Ambulance Club at a cost of \$18,000.

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

Mr. James reported that Engineer Treglia had submitted the November 8, 2016 engineer's report.

Mr. James reported receipt of the Northern York County Regional Police Department November 15, 2016 report.

APPROVAL OF VOUCHERS

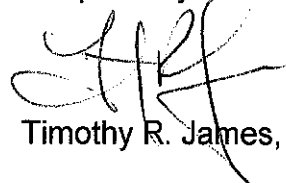
Mr. Hauck made a motion, seconded by Mr. Brandstedter, to approve the payment of the vouchers as listed on the Treasurer's Checks Vouchers List: October 12-18; October 19-25; October 26-November 1; and November 2-8, 2016.

Motion carried. Ayes-5 Nays-0.

ADJOURNMENT

Being no further business, Mr. Hauck made a motion to adjourn the meeting at 8:24 pm.

Respectfully submitted,



Timothy R. James, Secretary

TRJ/jas