

MANCHESTER TOWNSHIP BOARD OF SUPERVISORS

September 12, 2017

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 12, 2017, 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	Debra K. McCune, Assistant Secretary
Kenneth D. Wingert, Supervisor	Stewart S. Olewiler, Zoning/Planning Officer
David K. Brosend, Supervisor	Lawrence V. Young, Solicitor
Rodney K. Brandstedter, Supervisor	B.J. Treglia, P.E., C.S. Davidson, Inc.

PUBLIC HEARING – PA LIQUOR LICENSE #R-19392 TRANSFER REQUEST

Chairperson Wingert called the advertised public hearing to order at 7:00 pm. Ms. Wingert announced that the purpose of the hearing was to receive public comment about a July 7, 2017 letter from Attorney L.C. Heim, who represents 1747 Beer & Wine, 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-19392 from an establishment at 338 S. Front Street in Wrightsville Borough and had requested permission to transfer the license to 509 Greenbriar Road 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 L.C. Heim, representing Rutter's Holding, Inc. was present to present the request for the approval of the liquor license transfer from Wrightsville Borough to Manchester Township.

Attorney Heim testified that Rutter's Holding, Inc. planned to make changes to the Rutter's Farm Store at 509 Greenbriar Road that could offer to sell alcoholic beverages up to two six-packs and offer restaurant service of only one alcoholic beverage per

restaurant customer. Attorney Heim 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 7:07 pm.

Motion carried. Ayes-5 Nays-0.

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. Wingert, to approve the meeting minutes of the August 8, 2017 meeting as submitted. Motion carried. Ayes-5 Nays-0.

UNFINISHED BUSINESS

Resolution #2017-14 – Liquor License Transfer

As summarized in item #2 of the manager's report, Solicitor Young reported the board of supervisors held a September 12, 2017 (7:00 p.m.) hearing to consider the transfer of Pennsylvania Liquor License R-19392 from JPM Riverfront, LLC, located at 338 South Front Street, Wrightsville Borough, to 1747 Beer & Wine, LLC, located at 509 Greenbriar Road, Manchester Township as required by Pennsylvania Act 141 of 2000.

Mr. Hauck made a motion, seconded by Mr. Wingert, to approve Resolution #2017-14 allowing the transfer of Pennsylvania Restaurant Liquor License R-19392 from JPM Riverfront, LLC, located at 338 South Front Street, Wrightsville Borough, to 1747 Beer & Wine, LLC, located at 509 Greenbriar Road, Manchester Township.

Motion carried. Ayes-5 Nays-0.

Ordinance #2017-06 – YAUFR Joinder Agreement

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 YAUF. 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 YAUF Commission to develop a financial analysis and that Mr. Kapoor provided general financial information that confirmed short and long term savings with merging with YAUF. Mr. James reported that following Manchester Township Board of Supervisors action on January 3, 2012 to request membership consideration by the YAUF Commission, Ms. Wingert received a January 27, 2012 letter from YAUF Chairperson William Schenck confirming acceptance of the membership consideration request. Chief McCoy presented the board with a draft memorandum of understanding between YAUF Commission and Manchester Township in an attempt to begin negotiations for Manchester Township to become a charter member of YAUF. On December 10, 2013 the board adopted a resolution that Manchester Township move forward with negotiations with the YAUF Commission in an attempt to consolidate the fire service in the future. Chief McCoy reported that on April 15, 2014 the YAUF Commission approved a proposed agreement be offered to Manchester Township for consideration for an immediate identity transfer from Manchester Township to YAUF; 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 YAUF 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 YAUF to begin discussions related to collective bargaining agreements. Mr. James reported that he, Supervisors Lisa Wingert and Brosend met with Chief McCoy, YAUF Solicitor Hovis, YAUF 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 YAUF Commission would like the board to consider having two representatives from Manchester Township to participate in a non-voting role in YAUF Commission meetings. The board representatives Ms. Wingert and Mr. Brosend indicated they would attend future YAUF Commission meetings. Chief Hoff reported the YAUF Commission would like to restart discussions with Manchester Township on the joinder process. The board by consensus directed Chairperson Wingert and Supervisor Brosend to participate in the joinder discussions with a goal of completion in 2017. Chairperson Wingert and Supervisor Brosend reported a meeting with YAUF Commissioners Hunt, YAUF Solicitor Hovis, Chief Hoff and Manager James on March 28, 2017 regarding joinder negotiations. Chief Hoff reported on continued joinder negotiation discussions. Ms. Wingert and Mr. Brosend provided additional information regarding the joinder discussions. On July 11, 2017, YAUF Solicitor Hovis, Commissioner Hunt and Chief Hoff were in attendance to answer questions and concerns of the board relative to the YAUF Joinder discussions.

The board discussed at length the specifics of the draft YAUFRA Amended Charter Agreement and will continue efforts to consider action on the amended charter agreement in the near future. Mr. Brandstedter requested a vote on Ordinance #2017-06 be postponed until counsel has the opportunity to develop a detailed "out-clause" in the proposed charter agreement. After a brief discussion, Mr. Wingert made a motion, seconded by Mr. Hauck, to adopt Ordinance #2017-06 that would enter Manchester Township into intergovernmental cooperation agreement with Spring Garden and Springettsbury Townships as a charter member of York Area United Fire and Rescue.

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

Sewer Rates

As summarized in item #5 of the manager's report, after a brief discussion the board requested additional sewer rate information with commercial industrial services for further discussion in future meetings.

NEW BUSINESS

Heritage Business Park Lot #1 – Review #2017-02 – Final Land Development Plan

Zoning/Planning Officer Olewiler received a request notification from Chris Dellinger of Herbert, Rowland & Grubic, Inc. representing Heritage Business Park to table final land development plan presentation until October 10, 2017.

Cityview Office Park – Review #2017-03 – 2-Lot Subdivision

Douglas Gossick of Williams Site Civil and Mayur Patel were present to present preliminary 2-lot subdivision plan creating a 3.04-acre parcel from a 23.3-acre parcel located on the east side of Roosevelt Avenue in the Office (O) zoning district. Mr. Gossick reported that the intent is to develop the site for an office building.

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

W1) From section 22-709 for the requirement to install concrete sidewalks.

W2) From section 26-131.11 for the requirement of storm water management facilities meeting building setback requirements.

Motion carried. Ayes-5 Nays-0.

Mr. Hauck made a motion, seconded by Mr. Brandstedter, to approve the Cityview Office Park, Review #2017-03 Preliminary 2-Lot Subdivision.

Motion carried. Ayes-5 Nays-0.

Cityview Office Park – Review #2017-04 – Preliminary Land Development Plan

Douglas Gossick of Williams Site Civil and Mayur Patel were present to present a preliminary land development plan for a proposed 17,000 square foot office building located on 3.04-acre lot a private access drive along the east side of the 1600 block of Roosevelt Avenue in an Office (O) zoning district. Mr. Gossick reported the plan was to

develop a 17,000 square foot building on a lot created from the preliminary 2-lot subdivision presented earlier.

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

W1) From section 22-709 for the requirement to install concrete sidewalks.

W2) From section 26-131.11 for the requirement of storm water management facilities meeting building setback requirements.

Motion carried. Ayes-5 Nays-0.

Mr. Hauck made a motion, seconded by Mr. Brandstedter, to approve the Cityview Office Park, Review #2017-04 Preliminary Land Development Plan for Lot 2.

Motion carried. Ayes-5 Nays-0.

Rezoning Petition Request – J.G. Leasing Co., Inc.

As summarized in item #7 of the manager's report, Attorney Stacey MacNeal with Katherman, Heim & Perry Law Firm, was present representing J.G. Leasing Co., Inc. to submit a petition to amend the zoning map for land on the northeastern corner of Church Road and Roosevelt Avenue intersection from Residential Low Density (RL) to Office (O) zone district. Attorney MacNeal reported J.G. Leasing Co., Inc. is the owner of four (4) parcels of land totaling 11.1-acres, in the vicinity of the northeastern corner of Church Road and Roosevelt Avenue. Attorney MacNeal stated the developer would be considering the development of medical offices if a rezoning would be approved. Mr. Hauck made a motion, seconded by Mr. Brandstedter, to permit further review and consideration for rezoning of areas within Residential Low Density (RL) zone to Office (O) zone district by the Manchester Township and York County Planning Commissions.

Motion carried. Ayes-5 Nays-0.

2018 Budget

As reported in item #8 of the manager's report, Mr. James reported that he had begun work on the 2018 budgets. Mr. James advised that he expected to have a draft budget prepared for discussion at the October 10, 2017 meeting; a proposed budget to be introduced at the November 14, 2017 meeting; and, final adoption being scheduled for the December 12, 2017 meeting. He requested that the board members provide any 2018 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 15, 2017.

Mr. James advised that among the items that would have an impact on the 2018 General Fund budget are: increase in Chesapeake Bay Pollutant Reduction Plan requirements; Toronita Street Bridge replacement and Sewer Interceptor replacement projects among others.

York County 2nd Class Township Convention Authorization

As summarized in item #9 of the manager's report, Mr. Wingert made a motion, seconded by Mr. Brosend, to authorize the following attendance at the November 9, 2017 York County 2nd 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.

2018-2020 Mowing Services Bid Authorization

As reported in item #10 of the manager's report, Mr. Wingert made a motion, seconded by Mr. Hauck, to authorize the staff to prepare and advertise bids for contract mowing services for 2018-2020.

Motion carried. Ayes-5 Nays-0.

2018 Animal Control Services

As summarized in item #11 of the manager's report, Mr. Wingert made a motion, seconded by Mr. Brosend, to authorize the Chairperson or Vice-Chairperson to execute the 2018 agreement for animal control services with Klugh Animal Control Services.

Motion carried. Ayes-5 Nays-0.

Sewer Easement Structure Request

As summarized in item #12 of the manager's report, Ed Kahler of Ryber & Associates, was present representing Melissa and Joseph Renfro, 3502 Riding Club Drive, requesting board consideration to allow a fence installation on their property but within the sanitary sewer easement. Solicitor Young suggested if the board chose to allow the installation within the easement they may want to consider attaching an agreement to the deed so future homeowners realize the obligation associated with the sewer easement. Mr. Hauck made a motion, seconded by Mr. Wingert, to conditionally approve the installation of a fence within the sanitary sewer easement at 3502 Riding Club Drive upon an agreement being developed by Solicitor Young that would establish understanding that ties any sanitary sewer maintenance or repair costs that may impact the fence installation within the easement, be at the expense of the homeowner; as well as recording the agreement with the property with associated costs the responsibility of the homeowner.

Motion carried. Ayes-5 Nays-0.

BLS/ALS Joint Billing Agreement – Community LifeTeam, Inc.

As summarized in item #13 of the manager's report, Mr. Brosend made a motion, seconded by Mr. Hauck, to authorize the Chairperson or Vice-Chairperson execute an updated joint billing agreement for Basic Life Support/Advanced Life Support ambulance services with Community LifeTeam, Inc.

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.

Residents of the Harvest Drive and Leaf Street area were in attendance to express concern with traffic on Harvest Drive and Leaf Street. Chris Detwiler, 596 Harvest Drive; Michelle and Matt Ballew, 654 Leaf Street; Leah Naylor-Ickes, 556 Harvest Drive; and Larry Dowdle, 620 Harvest Drive, reported experiences of speeding and reckless driving that have caused safety concerns. Mr. James reported the recent receipt of a study by Pat Wright of the PA Local Transportation Assistance Program, relative to his July 2017 visit to the area. Mr. James stated he would propose that a draft traffic calming policy be distributed to the board for the October 10, 2017 for consideration.

MANAGER'S REPORT –

Item #15 - Mr. James reported the York County Municipal Administrators Association have been presented with a reduced rate for municipalities participating with Cohen Law Group relative to zoning ordinance review and development of small cell wireless facilities installation processes within municipal rights of way. Zoning Officer Olewiler reported the township's current ordinance does not regulate facilities within municipal rights of way. After a discussion, the board took no action with participating in the Cohen Law Group proposal at this time.

Item #22 - Mr. James reported a meeting with business owners on Toronita Street has been set to discuss the Toronita Street bridge project proposed for 2018.

Item #32 - Mr. James reported the receipt of a September 8, 2017 letter from John and Kim Keese, 2835 N. Susquehanna Trail, expressing concern of speeding in the Susquehanna Trail corridor. Mr. Brosend made a motion, seconded by Mr. Hauck, to send a letter to PennDOT requesting a traffic/speed study of the Susquehanna Trail corridor from Church Road to Lightner Road.

Motion carried. Ayes-5 Nays-0.

Item #33 - Mr. Brandstedter made a motion, seconded by Mr. Hauck, to authorize the Chairperson or Vice-Chairperson to execute agreement with Code

Administrators, Inc. to perform proper and lawful enforcement of the Pennsylvania Construction Code Act, the Uniformed Construction Code.

Motion carried. Ayes-5 Nays-0.

OTHER BUSINESS/REPORTS

Mr. James reported that Fire Chief Hoff had submitted the August 2017 monthly report.

Mr. James reported that Engineer Treglia had submitted the September 12, 2017 engineer's report.

APPROVAL OF VOUCHERS

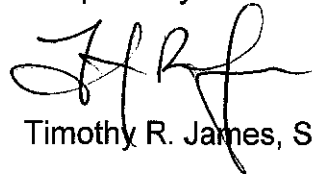
Mr. Hauck made a motion, seconded by Mr. Brandstedter, to approve the payment of the vouchers as listed on the Treasurer's Checks Vouchers List: August 9-22; August 23-September 5; and September 6-12, 2017.

Motion carried. Ayes-5 Nays-0.

ADJOURNMENT

Being no further business, Mr. Hauck made a motion to adjourn the meeting at 8:54 p.m.

Respectfully submitted,



Timothy R. James, Secretary

TRJ/jas