

**PUBLIC HEARING
MINUTES**

January 28, 2016

**A PUBLIC HEARING TO REVIEW AN APPLICATION FROM WEIS MARKETS TO
TRANSFER LIQUOR LICENSE #R-19736 FROM PENN TOWNSHIP TO 2160 WHITE STREET,
YORK, PA IN WEST MANCHESTER TOWNSHIP**

ATTENDANCE

Supervisors Present: Steve J. Harlacher, Chairman
Dave Markel, Vice-Chairman
Rosa Hickey, Supervisor

Others Present: Kelly K. Kelch, Township Manager
Tricia Smeltzer, Stenographer
John Herrold, Solicitor
Monica Love, Zoning Officer
Craig Wilson, Engineer
Lori Trimmer, Recreation Director/Asst. Manager
Stephen Callahan, Public Works Director
Richard Trout, Acting Fire Department Administrator
Art Smith, Police Chief
Keith Whittaker, Finance Director

I. CALL TO ORDER

Chairperson Harlacher called the hearing to order at 7:01 p.m. Harlacher stated that the purpose of this hearing is to review an application from Weis Markets to transfer liquor license #R-19736 from Penn Township to a location at 2160 White Street, York, Pennsylvania.

Chairperson Harlacher requested Herrold to state the Rules of the Hearing.

II. RULES OF HEARING

Herrold stated the Rules of Procedure of the Hearing.

III. PRESENTATION OF PROPOSED REQUEST

Attorney Mark Kozar spoke on behalf of Weis Markets to present the request. After brief discussions, Manager Kelch stated that the staff has no objections to this request.

IV. COMMENTS FROM THE PUBLIC

Chairman Harlacher requested comments from the public. There were none.

V. COMMENTS FROM THE BOARD

Chairman Harlacher requested comments from the Board. There were no further comments.

VI. ADJOURNMENT

Motion to adjourn the hearing at 7:13 p.m.

MOTION: R. Hickey

SECOND: D. Markel

MOTION PASSED UNANIMOUSLY

Respectfully submitted,

Kelly K. Kelch/Secretary
Tricia E. Smeltzer/Stenographer

MOTION TO APPROVE: _____

SECOND: _____

DATE: _____

**PUBLIC HEARING
MINUTES**

January 28, 2016

A PUBLIC HEARING TO CONSIDER A PROPOSED AMENDMENT TO THE WEST MANCHESTER ZONING ORDINANCE BY REVISING THE DEFINITION OF SHOPPING CENTER, REVISING THE MINIMUM LOT SIZE IN THE RC ZONE, REVISING THE MINIMUM LOT WIDTH IN THE RC ZONE AND REVISING STANDARDS FOR SHOPPING CENTERS OR MALLS ON TWO OR MORE CONTIGUOUS LOTS.

ATTENDANCE

Supervisors Present:

Steve J. Harlacher, Chairman
Dave Markel, Vice-Chairman
Rosa Hickey, Supervisor

Others Present:

Kelly K. Kelch, Township Manager
Tricia Smeltzer, Stenographer
John Herrold, Solicitor
Monica Love, Zoning Officer
Craig Wilson, Engineer
Lori Trimmer, Recreation Director/Asst. Manager
Stephen Callahan, Public Works Director
Richard Trout, Acting Fire Department Administrator
Art Smith, Police Chief
Keith Whittaker, Finance Director

I. CALL TO ORDER

Chairperson Harlacher called the hearing to order at 7:13 p.m. Harlacher stated that the purpose of this hearing is to consider a proposed amendment to the West Manchester Township Zoning Ordinance by revising the definition of shopping center, revising the minimum lot size in the RC Zone, revising the minimum lot width in the RC Zone and revising standards for shopping centers or malls on two or more contiguous lots.

Chairperson Harlacher requested Herrold to state the Rules of the Hearing.

II. RULES OF HEARING

Herrold stated the Rules of Procedure of the Hearing.

III. PRESENTATION OF PROPOSED REQUEST

Attorney Ron Lucas from Stevens and Lee presented the request on behalf of West Manchester Mall associates. After brief discussions, Manager Kelch stated that the staff has no objections to this request.

IV. COMMENTS FROM THE PUBLIC

Chairman Harlacher requested comments from the public. There were none.

V. COMMENTS FROM THE BOARD

Chairman Harlacher requested comments from the Board. There were no further comments.

VI. ADJOURNMENT

Motion to adjourn the hearing at 7:17 p.m.

MOTION: D. Markel
SECOND: R. Hickey

MOTION PASSED UNANIMOUSLY

Respectfully submitted,

Kelly K. Kelch/Secretary
Tricia E. Smeltzer/Stenographer

MOTION TO APPROVE: _____

SECOND: _____

DATE: _____

PUBLIC MEETING MINUTES

January 28, 2016

Chairman Harlacher called the Public meeting to order at 7:17 p.m.

ATTENDANCE

Supervisors Present: Steve J. Harlacher, Chairman
Dave Markel, Vice-Chairman
Rosa Hickey, Supervisor

Staff Present: Kelly Kelch, Township Manager
Lori Trimmer, Assistant Twp. Manager/Recreation Director
Tricia Smeltzer, Stenographer
Keith Whittaker, Finance Director
Stephen Callahan, Public Works Director
Monica Love, Zoning Officer
Art Smith, Chief of Police
Richard Trout, Acting Fire Department Administrator
John Herrold, Solicitor
Craig Wilson, Township Engineer

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

EXECUTIVE SESSION

Chairman Harlacher announced that an Executive Session was held at 6:00 pm prior to tonight's meeting to discuss personnel matters. No action was taken.

PUBLIC COMMENTS

None

APPROVAL OF MINUTES

The minutes of the December 17, 2015 regular Public Meeting were presented for approval. Motion to approve the minutes of the December 17, 2015 regular Public Meeting as presented.

MOTION: D. Markel
SECOND: R. Hickey

MOTION PASSED UNANIMOUSLY

The minutes of the January 4, 2016, Reorganization meeting, were presented for approval. Motion to approve the minutes of the January 4, 2016 Reorganization meeting as presented.

MOTION: R. Hickey
SECOND: D. Markel

MOTION PASSED UNANIMOUSLY

OPEN FLOOR DISCUSSION

None

UNFINISHED BUSINESS

- A. T-813 325 SALEM PROPERTY LP, WEST MANCHESTER CORPORATE CENTER LOT 4: Christian Brown, Brown Design Corp., a representative for West Manchester Corporate Center, appeared to clarify approval conditions of the Final Land Development Plan. Mr. Brown wanted to clarify a discrepancy of the Township approval letter varying from the plan approval wording, which varied from the wording of a note on the approved plan. After much discussion, it was agreed upon by both the applicant and the Board to re-approve the plan and reference that the applicant would adhere to the access note on the plan.

MOTION: D. Markel
SECOND: R. Hickey

MOTION PASSED UNANIMOUSLY

NEW BUSINESS

- A. RESOLUTION 2016-07: A motion was made and a plaque was presented to recognize Detective Jeff Snell for his exceptional work ethics in working with the FBI leading to the arrest of two individuals wanted in connection with several bank and convenience store thefts.

MOTION: D. Markel
SECOND: R. Hickey

MOTION PASSED UNANIMOUSLY

- B. RESOLUTION 2016-08: A motion was made and a plaque was presented to honor Luke and Lilah Van Vorst for Outstanding Citizenship.

MOTION: D. Markel
SECOND: R. Hickey

MOTION PASSED UNANIMOUSLY

- C. APPOINT REPRESENTATIVE: A motion was made to approve a request to appoint Monica Love as Regional Committee representatives for the York County Stormwater Consortium and Zane Williams as the alternate.

MOTION: D. Markel
SECOND: R. Hickey

MOTION PASSED UNANIMOUSLY

- D. PLANNING COMMISSION MEMBER: A motion was made to approve Ron Stare as a member of the West Manchester Township Planning Commission, for the remainder of Michael Goodling's term ending December 31, 2018.

MOTION: R. Hickey
SECOND: D. Markel

MOTION PASSED UNANIMOUSLY

- E. RESOLUTION 2016-06 LIQUOR LICENSE TRANSFER: A motion was made to approve Resolution 2016-06 requesting to transfer Liquor License #R-19736 from Penn Township to West Manchester Township for Weis Market located at 2160 White Street.

MOTION: D. Markel
SECOND: R. Hickey

MOTION PASSED UNANIMOUSLY

- F. ORDINANCE 2016-01 : ZONING TEXT AMENDMENT: A motion was made to approve Ordinance 2016-01 amending the Zoning Ordinance by revising the definition of Shopping Center, revising the minimum lot size in the RC Zone, revising the minimum lot width in the RC Zone and revising standards for shopping centers or malls on two or more contiguous lots.

MOTION: R. Hickey
SECOND: D. Markel

MOTION PASSED UNANIMOUSLY

- G. LAND DEVELOPMENT WAIVER REQUEST: A motion was made to approve a request from Philip Martin, a representative of West York Area School District, to waive the Land Development submission for a small building addition to Trimmer Elementary School. Manager Kelch inquired if it is the school's intent to apply and pay all fees for a building permit. Representative Ken Johnson with Gilbert Architects acknowledged in agreement. Zoning Officer Love had no issues with granting this request.

MOTION: D. Markel
SECOND: R. Hickey

MOTION PASSED UNANIMOUSLY

- H. T-815 - PA NATIONAL GUARD READINESS CENTER: A motion was made to approve a request from Chris Beauregard, a representative from CenterPoint Engineering, for the Final Land Development Plan with the following waivers and conditions:

Conditions:

1. §121-15.E /121-34.A Provide notice from PA DEP that the Sewer Facilities Plan Revision or (planning module exemption) has been approved.
2. Approval of the Erosion & Sediment Control Plans and approved NPDES Permit by the YCCD is required.

3. Verification of easements granted from the adjoining property owners, where the sanitary sewer line is to cross, shall be provided to the Township.
4. All comments from the Township Engineer including those regarding §113 Stormwater Management Ordinance shall be addressed prior to submission to the Board of Supervisors.
5. All administrative items shall be addressed prior to plan recording (surety, Operation & Maintenance Agreement, Inspection Escrow, etc.).
6. The signatures and seals of the individuals responsible for the plan shall be affixed to the plan.
7. The notarized signature of the owner(s) shall be affixed to the plan prior to the Board of Supervisors' meeting.
8. All final plans as recorded shall be submitted in electronic format (i.e. PDF)

Waivers:

1. Sec. §121-9.A Waiver of Preliminary Plan – Preliminary plan is required for all land developments, subdivision and/or land developments involving new streets and subdivisions involving six (6) or more lots.
2. §121-17.D Financial Security
3. §121-23.C(1) All existing streets at the perimeter and/or through the development shall be improved according to the Township specifications.
4. §121-23.I Streets, Access Drives, and Driveways; Horizontal Alignments: Horizontal street alignments shall be measured along the center line... The minimum horizontal curve radius for all other streets shall be 150'.
5. §121-25 Sidewalks and Curbs - Sidewalks and curbs shall be provided along the frontage of the entire property unless a waiver is granted.
6. §42-9.G Access Drive Ordinance, Maximum Curb Cut width - Unless specifically approved by the Board of Supervisors, no access drive shall have a curb cut exceeding thirty-five (35) feet.
7. §121-14.F & 121-15.E Traffic Impact Statement.

MOTION: R. Hickey

SECOND: D. Markel

MOTION PASSED UNANIMOUSLY

- I. T-817 - NORMANDIE RIDGE (ALBRIGHT CARE): A motion was made to approve the Preliminary Land Development plan presented by Justin Keister of Larson Design Group, a representative of Normandie Ridge (Albright Care). The plan was approved with the following conditions and waivers:

Conditions:

1. A 'fair share contribution' was agreed upon in May 2010 regarding traffic impacts and improvements. The proportional contribution for this development of \$4,500.00 was agreed upon by the Board of Supervisors, and shall be a condition of the Preliminary Plan approval, to be paid upon approval of the Final Plan.
2. All comments from the Township Engineer regarding §113 Stormwater Management Ordinance shall be addressed prior to unconditional approval by the Board of Supervisors.
3. All administrative items shall be addressed prior to unconditional plan approval (payment of invoices, surety, Operation & Maintenance Agreement, etc.).

4. All final plans as approved shall be submitted in electronic format (i.e. PDF)

Waivers:

1. §121.14.C.3 Existing Features – The locations of existing features within 200' of the subject tract.
2. §121.14.C.4 Existing Features – the locations of existing features within the subject tract.
3. §113.17.G.4 of the Stormwater management Ordinance, which requires the minimum pipe velocity to be 2.5 fps.

MOTION: D. Markel

SECOND: R. Hickey

MOTION PASSED UNANIMOUSLY

- J. T-800 (325 S. SALEM LP) SURETY REDUCTION: A motion was made to approve a request to reduce the surety from \$491,392.00 to \$135,752.00 ; a reduction of \$355,640.00. A letter from the Township engineer is on file supporting this request.

MOTION: R. Hickey

SECOND: D. Markel

MOTION PASSED UNANIMOUSLY

- K. T-794 DOLLAR GENERAL SURETY REDUCTION: A motion was made to approve a request to release the remaining surety of \$64,474.85. A letter from the Township engineer is on file supporting this request.

MOTION: D. Markel

SECOND: R. Hickey

MOTION PASSED UNANIMOUSLY

- L. T-812 SPAHR PROPERTIES SURETY REDUCTION: A motion was made to approve a request to release the remaining surety of \$4,799.00. A letter from the Township engineer is on file supporting this request.

MOTION: R. Hickey

SECOND: D. Markel

MOTION PASSED UNANIMOUSLY

ADMINISTRATIVE REPORTS

- A. Recreation Director/Assistant Manager: Trimmer's report was reviewed. No additional comments.

- B. Finance Director: Whittaker's report was reviewed. No additional comments.
- C. Fire Chief: Trout's report was reviewed. No additional comments.
- D. Police Chief: Chief Smith's report was reviewed. No additional comments.
- E. Manager: Manager Kelch's report was reviewed. He thanked the staff for their efforts with the Historical Snow Storm January 22-24, 2016. He declared a Snow Emergency and a Disaster Emergency from Friday, January 22 at 6pm to Monday, January 25 at 7pm. A motion was made to approve the Snow Emergency and Disaster Emergency declarations in order to submit for reimbursement from York County.

MOTION: D. Markel
SECOND: R. Hickey

MOTION PASSED UNANIMOUSLY

Manager Kelch also reported that the Fire Chief position will soon be advertised and the interview process will be started. He noted that an agreement between West Manchester Township and the Fireman's Relief Association needs to be ratified with signatures. It states that if the Township ever sells the 2015 Pierce Enforcer Engine, the Township would return 11.12% back to the Association in exchange for the Association's donation to the Township. A motion was made to ratify the agreement.

MOTION: R. Hickey
SECOND: D. Markel

MOTION PASSED UNANIMOUSLY

- F. Engineer: Dawood's report was reviewed. No additional comments.
- G. Zoning Officer: Love's report was reviewed. No additional comments.
- H. Solicitor: Herrold's report was reviewed. He mentioned that a long standing Township issue has been resolved via a specific property being sold. He also thanked the board for re-appointing him to Township solicitor. No additional comments.
- I. Public Works Director: Callahan's report was reviewed. No additional comments.

STORM WATER MANAGEMENT/MS4:

Zoning Officer Love noted the Township's MS4 Storm Water Inspector is available Monday thru Friday, 8 am to 4:30 pm to answer any questions relating to storm water management.

APPROVAL OF BILLS

Bills: Motion to pay the following bills as presented:

<u>Fund</u>	<u>Check No.</u>	<u>Amount</u>
Warrant 16-01 Fund 01	22136 – 22275	\$ 587,913.26
WMT Sewer Fund	2570-2621	\$ 534,461.60
Liquid Fuels	1-13	\$ 14,338.59
Payroll: Pay Period Ending 12/26/15	Paytime Vouchers	\$ 145,538.32
Payroll: Pay Period Ending 01/09/16	Paytime Vouchers	\$ 162,687.59
Payroll: Pay Period Ending 01/23/16	Paytime Vouchers	\$ 155,568.17

MOTION: D. Markel
SECOND: R. Hickey

MOTION PASSED UNANIMOUSLY

ADJOURNMENT

Motion to adjourn the regular meeting at 8:24 pm

MOTION: R. Hickey
SECOND: D. Markel

MOTION PASSED UNANIMOUSLY

Respectfully Submitted,

Kelly K. Kelch, Secretary
Tricia Smeltzer/Stenographer

MOTION TO APPROVE: _____
SECOND: _____
DATE: _____