

**PUBLIC HEARING  
MINUTES**

May 26, 2016

**A PUBLIC HEARING TO CONSIDER A PROPOSED TRANSFER OF LIQUOR  
LICENSE R-20578 FROM HELLAM TOWNSHIP, YORK COUNTY, INTO WEST  
MANCHESTER TOWNSHIP FOR OUTBACK STEAKHOUSE OF FLORIDA, LLC  
LOCATED AT TOWN CENTER DRIVE, YORK COUNTY, PENNSYLVANIA**

**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  
Clif Laughman, Fire Chief  
Art Smith, Police Chief  
Keith Whittaker, Finance Director

**I. CALL TO ORDER**

Chairperson Harlacher called the hearing to order at 7:00 p.m. Harlacher stated that the purpose of this hearing is to review an application from Outback Steakhouse of Florida, LLC to transfer liquor license #R-20578 from Hellam Township to a location at Town Center Drive, West Manchester Township, York, Pennsylvania.

**II. RULES OF HEARING**

Attorney John Herrold stated the Rules of Procedure for the hearing.

**III. PRESENTATION OF PROPOSED REQUEST**

Attorney Mark Kozar from Flaherty & O'Hare presented the request on behalf of Outback Steakhouse of Florida, LLC requesting to transfer liquor license #R-20578 from Hellam Township to a location at Town Center Drive, West Manchester Township, York, Pennsylvania.

**IV. QUESTIONS FROM THE PUBLIC**

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

**V. COMMENTS FROM THE PUBLIC**

Chairman Harlacher requested comments from the public. There were none

**VI. QUESTIONS FROM THE BOARD**

Chairman Harlacher invited questions from the Board. Manager Kelch had questioned where the liquor license was transferring from. Mr.Kozar clarified that it was not coming from their existing Outback Steakhouse in Springettsbury Township; but rather it is coming from another existing business in Hellam Township.

**VII. COMMENTS FROM THE BOARD**

Chairman Harlacher requested comments from the Board. There were no additional comments. Manager Kelch had no objections to this proposal.

**VIII. ADJOURNMENT**

Chairman Harlacher adjourned the hearing at 7:08 p.m.

Respectfully submitted,

Kelly K. Kelch/Secretary  
Tricia Smeltzer/Stenographer

MOTION TO APPROVE: \_\_\_\_\_

SECOND: \_\_\_\_\_

DATE: \_\_\_\_\_

## PUBLIC MEETING MINUTES

May 26, 2016

Chairman Harlacher called the Public meeting to order at 7:09 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  
Clif Laughman, Fire Chief  
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

**Tom and Annette Harleman**, 230 Lincolnway Drive, wanted to know what the Board had found regarding investigations into last month's concerns with the Beauty Shop and Dollar General near his residence. Manager Kelch had the Engineer review the area and also had the Police Chief research accident reports from 1998 to present. Only one accident was reported in that area and it didn't involve any pedestrians or vehicles that were parked there. Therefore, Manager Kelch advised no improvements were needed. Mr. & Mrs. Harleman asked for some options as to how improvements could be possible. Manager Kelch suggested they get a petition signed by surrounding residences and then present the petition to the board and it can be reviewed.

They also wanted to know an update on multiple vehicles parked at 120 Lincolnway. Zoning Officer Love explained the procedures that are followed in these types of cases. Mr. & Mrs. Harleman are concerned about West Nile virus at that residence. Zoning Officer Love explained that West Manchester Township does not have a West Nile Virus Ordinance, but that the state does have a West Nile Virus Control Program. The Township would need to adopt those same laws in order to pursue offenders. She was able to give two license plate numbers to the Chief of Police for further police investigation.

**APPROVAL OF MINUTES**

The minutes of the April 28, 2016 regular Public Meeting were presented for approval. Motion to approve the minutes of the April 28, 2016 regular Public Meeting as presented.

MOTION: D. Markel  
SECOND: R. Hickey

MOTION PASSED UNANIMOUSLY

**OPEN FLOOR DISCUSSION**

YCPC – York County Planning Commission representative, Felicia Dell, gave handouts and a presentation on updates regarding Regional Stormwater issues.

**UNFINISHED BUSINESS**

**NEW BUSINESS**

- A. ORDINANCE 16-03: REQUEST TO APPROVE A HANDICAPPED PARKING SPACE: Motion to approve Ordinance 16-03 requesting a new handicapped parking space at 29 North Diamond Street. Public Works department will proceed with properly marking the space at this address.

MOTION: D. Markel  
SECOND: R. Hickey

MOTION PASSED UNANIMOUSLY

- B. RESOLUTION 2016-21 - LIQUOR LICENSE TRANSFER : Motion to approve Resolution 2016-21 Liquor License Transfer R-20578 for Outback Steakhouse of Florida, LLC from Hellam Township to Town Center Drive in West Manchester Township.

MOTION: R. Hickey  
SECOND: D. Markel

MOTION PASSED UNANIMOUSLY

- C. AUTHORIZATION TO PARTICIPATE: Motion to approve authorization for workers compensation coverage for the Volunteer Firefighters to participate in the following:
- Olde Tyme Carnival on June 19<sup>th</sup>
  - Parade at Loman Park on June 27<sup>th</sup>

MOTION: D. Markel  
SECOND: R. Hickey

MOTION PASSED UNANIMOUSLY

- D. T-820-FINAL LAND DEVELOPMENT PLAN : Motion to approve the final land development plan for Clingan Electric Services, 2505 Lemon Street, based upon the approval of a 35 MPH speed limit and based on the following conditions and waivers:

Conditions:

1. Notes and Site Data: The existing use of the property remains residential. Change of use inspections will be required on the existing building.
2. Comment No. 2 has been addressed
3. §121-10.3 Emergency Management Coordinator review and approval of the plan is required (Knox box installation is required)
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. Comment No. 6 has been addressed.
7. All final plans as recorded shall be submitted in electronic format (i.e. PDF)

The following waivers were approved:

1. §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. §121.14.C.3 - Requires all existing features within 200' of the property to be shown on the plan.
3. §121.23.C(1) – Requires improvements to the existing streets along the perimeter of the property. The applicant has placed the 6 month note on the plan.
4. §121.25 – Requires sidewalks and curbs to be placed along the public streets. The applicant has placed the 6 month note on the plan.
5. §42-8(F) The number of access drives intersecting with a street line may not exceed one (1) per lot. The Board of Supervisors may grant permission for additional access points where required to meet exceptional circumstances and where frontage of unusual length exists.
6. §42-9.C If two (2) access drives are permitted by the Board, they shall be separated by a minimum 300' in commercial and industrial zones.

Discussion regarding the speed limit for Lemon Street was addressed. Currently it is a 55MPH rural road speed limit, but the conditions of the road make it difficult for anyone to travel that speed. Clingan has already done their own traffic study but Solicitor Herrold advised that a possible traffic study by the County might need done. Clingan agreed to pay for any additional costs associated with resolving the speed limit issue.

MOTION: R. Hickey

SECOND: D. Markel

MOTION PASSED UNANIMOUSLY

- E. T-816 FINAL SUBDIVISION PLAN: Motion to approve the final subdivision plan for West Manchester Town Center, 1800 Loucks Road, 111.8 Acres, 6 lots, with the following conditions and waivers:

Conditions:

1. All administrative items shall be addressed prior to plan recording (surety, Operation & Maintenance Agreement, Inspection Escrow, etc.).
2. All final plans as recorded shall be submitted in electronic format (i.e. PDF)

The following waivers were approved:

1. §121.9 Preliminary Plan Approval - 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. §121.14.A(3) Sheet size in excess of 24" x 36"
3. §121.14.C.3 Existing Features – The locations of existing features within 200' of the subject tract shall be shown on the plans.

MOTION: D. Markel  
 SECOND: R. Hickey

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. He added that he will have a 5 year projection done by next meeting. No additional comments.
- C. Fire Chief: Laughman'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 noted that Sparrow Road was closed on May 24<sup>th</sup> due to Stormwater pipe issues. Motion was made to ratify the road closure.

MOTION: D. Markel  
 SECOND: R. Hickey

MOTION PASSED UNANIMOUSLY

- F. Engineer: Dawood's report was reviewed. Craig reported that he and Director Callahan opened bids for the one Sewer Repair and one Stormwater Project on May 23, 2016 at 9:30am and 10am at the Township office. The third project bids will be opened on June 1, 2016 due to a discrepancy in the wording of the bid documents. The results of the bids that were opened are as follows:

- Mr. Rehab of Mechanicsburg, PA	\$87,899.00
- Fast Pipe Lining East of Newark, DE	\$97,485.00
- Insight Pipe of Harmony, PA	\$107,345.00
- Insituform of Chesterfield, MO	\$112,262.00
- SAK of O'Fallon, MO	\$185,000.00
- Layne Inliner of Elkridge, MD	\$193,702.50

Mr. Rehab of Mechanicsburg, PA was the apparent responsible low bidder for the 2016 I&I Repair Project at \$87,899.00. All bidders provided the information required by the project documents. After reviewing the bid, they determined that Mr. Rehab of Mechanicsburg, Pennsylvania is the apparent responsible low bidder for the project. They recommend that the contract be awarded to Mr. Rehab for the contract amount of \$87,899.00. The Engineer's estimate for the project was \$115,170.00.

Three bids were received for the 2016 Potomac Avenue Storm Sewer Repair Project on May 23, 2016 at 10:00 AM at the Township office. Below is a list of the bidders and their bid amounts.

2016 Potomac Avenue Storm Sewer Repair Project (listed in order)

- H&H General Excavating of Spring Grove, PA \$34,747.00
- Kinsley Construction of York, PA \$50,000.00
- Follmer Excavating of Dillsburg, PA \$56,397.00

H&H General Excavating of Spring Grove, PA was the apparent responsible low bidder for the 2016 Potomac Avenue Repair Project at \$34,747.00.

All bidders provided the information required by the project documents. After reviewing the bid, we have determined that H&H General Excavating of Spring Grove, Pennsylvania is the apparent responsible low bidder for the project. We recommend that the contract be awarded to H&H General Excavating for the contract amount of \$34,747.00.

The Engineer's estimate for the project was \$47,000.00.

- G. Zoning Officer: Love's report was reviewed. No additional comments.
- H. Solicitor: Herrold's report was reviewed. 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 16-02 Fund 01	22633 – 22762	\$ 434,077.44
WMT Sewer Fund	2741-2775	\$ 317,079.50
Liquid Fuels	89-105	\$ 6,172.55
Payroll: Pay Period Ending 04/30/16	Paytime Vouchers	\$ 140,501.71
Payroll: Pay Period Ending 05/14/16	Paytime Vouchers	\$ 145,709.46

MOTION: D. Markel  
SECOND: R. Hickey

MOTION PASSED UNANIMOUSLY

#### **ADJOURNMENT**

Motion to adjourn the regular meeting at 8:10 pm

MOTION: R. Hickey  
SECOND: D. Markel

MOTION PASSED UNANIMOUSLY

Respectfully Submitted,

Kelly K. Kelch, Secretary  
Tricia Smeltzer/Stenographer

MOTION TO APPROVE: \_\_\_\_\_

SECOND: \_\_\_\_\_

DATE: \_\_\_\_\_