

## PUBLIC BOARD MEETING MINUTES

August 25, 2022

Chairman Harlacher called the meeting to order at 6:59 p.m.

### ATTENDANCE:

Supervisors Present: Steven Harlacher – Chairman  
Dave Markel (remote) – Vice Chairman  
Ronald Ruman – Supervisor

Staff Present: Kelly Kelch – Township Manager  
Lori Trimmer – Parks & Recreation  
Keith Whittaker – Finance  
David Markle – Fire Deputy Chief  
John Snyder – Police Chief  
Rainer Neidoroest – Engineer  
Rachelle Sampere – Zoning & Codes  
Andy Herrold – Solicitor  
Rich Shaw – Public Works  
Laura Mummert – Stenographer

### CALL TO ORDER:

The Pledge of Allegiance was recited.

### EXECUTIVE SESSION:

Chairman Harlacher announced there was an executive session held prior to tonight's meeting to discuss personnel matters.

### PUBLIC COMMENT:

None

### APPROVAL OF MINUTES:

- A. The minutes of the July 28, 2022, Public Board Meeting were provided for approval.  
Motion to approve the Public Meeting Minutes of July 28, 2022, as presented.

MOTION: D. Markel  
SECOND: R. Ruman  
MOTION PASSED UNANIMOUSLY

**OPEN FLOOR DISCUSSION:**

None

**OLD BUSINESS:**

- A. **TOWNSHIP VOLUNTEER FIREFIGHTER TAX RELIEF:** Chairman Harlacher spoke about the tax relief discussion that was introduced to the Board at the July meeting by Chief Laughman. The Board had requested some time to research this possibility further before deciding. Chad Dearnorff and Micki Rife, members of the Township Fire Department, informed the Board of facts and financial numbers of the importance of keeping our fire department volunteers as opposed to a paid staff. They both addressed their concern that if a tax relief was denied, this could make having to pay firefighters a reality for the Township. Discussion was made between the Board. A motion was made by Chairman Harlacher to approve authorizing the Township Fire Chief to draft criteria for eligibility for inclusion into the Township volunteer firefighters' relief tax program. Supervisor Ruman second this motion. Motion was passed unanimously.
- B. **AUTHORIZATION FOR DRAFT ORDINANCE:** Supervisor Ruman addressed the Board and audience stating he is not against this tax relief, but strongly feels that the Fire Department should investigate a possible regional cooperation with nearby departments to help with the need for volunteers and to utilize resources. Supervisor Ruman said he would agree to this if in the Ordinance it states that the department must take action to regionalize and work with its neighbors. Greg Chandler, member of the department, asked to speak. Mr. Chandler explained to Supervisor Ruman that the local fire departments already work together and in doing so the number of volunteers are still low. Mr. Chandler feels that offering the tax relief will help keep the current volunteers and offer incentive for new ones. Chairman Harlacher added that the proposed draft ordinance should include that the tax relief would include property and EIT tax. Vice-Chairman Markel made a motion to approve authorizing the Township Solicitor to draft an ordinance to provide property and EIT tax relief to volunteer firefighters who qualify according to the Township criteria. Chairman Harlacher second this motion. Motion was passed unanimously.

**NEW BUSINESS:**

A. SENIOR CENTER FUNDING: Supervisor Ruman stated that he wanted to discuss the funding of local senior centers who help many seniors in our Township. Supervisor Ruman also stated that he serves on the Board for the Windy Hill Senior Center. Ms. Tammy Miller from Windy Hill Senior Center, Ms. Lisa Krout from White Rose Senior Center, and Mr. Jay Mummert and Larry Albright from Dover Heritage Senior Center gave an introduction and provided information to the Board about each of their centers. Discussion was had by the Board, and a motion was made by Supervisor Ruman to contribute an amount to be determined later, to the four centers that directly help the Township seniors. This included Dover Heritage, White Rose, Windy Hill, and September House. Chairman Harlacher second this motion. Motion passed unanimously.

B. INTERMUNICIPAL LIQUOR LICENSE TRANSFER FROM YORK CITY TO WEST MANCHESTER TOWNSHIP: Motion to approve a request from Joseph D. Baublitz, Counsel for Rutter's, to establish a date to hold a public hearing to transfer a liquor license from York City (Cobblestone's at 205 South George Street, York, PA) to West Manchester Township (Rutter's at 1590 Kenneth Road, York, PA). A date of September 22<sup>nd</sup>, 2022 was set for this hearing.

MOTION:           S. Harlacher  
SECOND:           R. Ruman  
MOTION PASSED UNANIMOUSLY

C. T-870 PRELIMINARY /FINAL LAND DEVELOPMENT PLAN FOR PROPOSED CAR WASH FACILITY FOR WEST MANCHESTER TOWNSHIP TOWN CENTER: Mr. Scott Debell, from Site Design Concepts, was present to discuss and present this plan to the Board. The Board asked some questions to Mr. Debell. A motion to approve the preliminary/final land development plan with conditions listed below which depicts the construction of a proposed car wash and associated improvements on a 1.366-acre parcel (Lot 13 created by separate subdivision plan) located at 715 Town Center Drive in the Regional Commercial Zone. The car wash facility submitted sewer planning exemption module for 34 EDUs.

**Zoning Ordinance (ZO):**

1. §150-317.C All structures housing washing apparatuses shall be setback 100 feet from any street right-of-way line. *The proposed building does not appear to meet this requirement. A variance from this section was granted on June 28, 2022. Revise the title page with the outcome of Zoning Hearing Board Case 22-16 on June 28, 2022.*

**Subdivision and Land Development Ordinance (SLDO):**

1. §121-10.A.3 ... building construction plans, including identification of unusual fire hazard potential and private hydrant/sprinkling systems, shall be submitted to the appropriate fire company. Comments noted.
2. §121-14.B.5 Indication of map and lot number assigned to the property by the York County Tax Assessment Office. *Please add this information to all applicable sheets of the plan.*
3. §121-14.D.14 & §121-15.D A statement on the plan indicating any proposed waivers. This statement must be revised, prior to recordation of the plan, to acknowledge the outcome of the requested waivers. *Update the waiver requests listed on the plan as appropriate based on the decision of the Board of Supervisors.*
4. §121-14.E.2 & §121-15-F.3 A sewer facilities plan revision or supplement in accordance with the Pennsylvania Sewerage Facilities Act 537 of 1966, as amended. Notice from PA DEP that a sewer facilities plan revision or supplement has been approved. *Provide an approval letter from PA DEP.*
5. §121-14.F. A transportation impact study (TIS) is required for all non-residential uses. The previous Traffic Memo for Haviland the Haviland Road extension prepared by Transportation Resource Group, Inc. and dated December 21, 2017 assumed a 15,000 square foot shopping center land use between Haviland Road and the Mall Ring Road as background traffic. However, Dawood expects the proposed car [wash] and neighboring fast food restaurants to generate more than PM peak hour trips than the originally assumed shopping center. Therefore, a waiver of the ordinance requirements for the transportation impact statement is acceptable only if the remaining traffic concerns are addressed in a separate evaluation of traffic operations for the proposed site access and connector road, as further detailed below.
5. §121-14.F.1.a.1 Although a waiver request has been requested for the car wash land use, a design evaluation of the proposed connection between Haviland Road the Mall Ring Road will be required. The proposed design represents a new alignment that was not previously reviewed by the Township. Therefore, a waiver is not recommended for this design evaluation.

The evaluation must include the following:

- a. Evaluation of connector operation at the Mall Ring Road during the design year with car wash site trips and projected cut through traffic from Haviland Road.
- b. 95<sup>th</sup> percentile queue analysis for the northbound connector road at Mall Ring Road.
- c. Comment addressed.
- d. Address any deviation from the West Manchester Township street design standards (related to the design of the proposed connector road). A design waiver for access drive design standards is not recommended at this time. (See traffic comment 3).
- e. Recommend adequate traffic control along the connector road including stop bars and double yellow line striping on the bridge, no parking signage along the entire

length of the connector road and dotted white extension lines to clarify where the right turn lane storage area ends.

- f. Comment addressed.
  - g. Sight distance must be demonstrated for a speed of 25 mph or the 85<sup>th</sup> percentile speed, whichever is greater. It is noted the sight distance is listed as only three feet greater than the minimum safe stopping value in some locations at the car wash driveway. Dawood recommends the sight distances be field verified by Township staff for both the car wash site access and the connector road intersection with the Mall Ring Road prior to issuance of the final occupancy permits.
  - h. Discuss/provide a consideration for future access connections to the BLM Assets, Inc. connection is feasible along the connector road, it must align with the proposed car wash driveway. Note that the proposed car wash improvements must not restrict future potential access to the BLM Assets, Inc. lot. This must be carefully evaluated due to the limited property frontages available for this site.
  - i. Vehicle turning templates must be provided for the design vehicle and for the largest emergency vehicle anticipated to access the site/connector road. Templates should demonstrate adequate circulation within the proposed car wash site, along the proposed connector road and at the Mall Ring Road intersection. Consider increasing the width of the one-way section of the connector road to 18 feet if necessary.
  - j. The 90-degree bend in the connector road adjacent to the Mall Ring Road intersection is undesirable due to visibility of the intersection, visibility of stacked vehicles, required turning clearances and the increased driver distraction created by the roadway geometry. The design must be revised to reduce potential conflicts.
6. If the connector road is to remain private, it is recommended West Manchester Township require the applicant to post a “No Through Traffic” sign at the Haviland Road entrance and provide an Indemnification agreement to hold West Manchester Township harmless for incidents/claims associated with the design or operation of the proposed connector road.
  7. If the proposed connector road is intended to serve as a public thorough fare, an engineering study is requested to document the design assumptions utilized in establishing the posted speed. Low compliance with the posted 15 mph speed limit is expected.
  8. §121-15.F.9 & §121-16 Improvement guaranties in accordance with Article V. Please provide a cost estimate to be reviewed by Dawood Engineers for all public improvements associated with the plans.
  9. §121-17 Financial Security. Financial security is required for public improvements not installed prior to recording the plans.
  10. §121-19 Maintenance guaranty. An 18-month maintenance guaranty from date of acceptance by the Board of Supervisors is required to guarantee the structural integrity of any public improvements. *Provide a maintenance bond of 15% of the public improvements cost upon completion of the project construction.*

11. §121-21 As built plans. Upon completion of all requirement improvements and prior to the issuance of occupancy permits, the applicant shall submit an as-built plan showing location, dimension and elevation of all public improvement. In addition, the plan shall indicate that the resultant grading, drainage, structures and/or drainage systems and erosion and sediment control practices, including vegetative measures, are in substantial conformance with the previously approved drawings and specifications. The plan shall note all deviation from the previously approved drawings. Two (2) copies of the plan shall be submitted to the Township, which shall distribute one (1) copy to the Township Engineer and retain one (1) hard copy for the Township files. *Provide certified as-built plans, preferably including a survey of the stormwater basins, upon completion of construction.*
12. §121-35.F.1 A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence. *Provide a willing to serve letter from the water utility.*

#### **Stormwater Management Ordinance (SWMO:)**

1. §113-12.L Storage facilities designed as such, shall completely drain both the volume control and rate control capacities over a period of time not less than 24 hours and not more than 72 hours from the end of the design storm. However, any designed infiltration at such facilities is exempt from the minimum twenty-four-hour standard, i.e. may infiltrate in a shorter period of time, so long as none of the stormwater flowing into the infiltration facility is discharged directly into the surface waters of the commonwealth...All such structures appear to discharge and infiltrate faster than 24 hours.
2. §113-17.K Minimum pipe size. Stormwater management pipe collection and conveyance systems shall have a minimum diameter of 15 inches. Pipe size should be changed or a waiver requested.
3. §113-17.N.1.b and §113-17.N.4.b Field test. Though the post construction stormwater management report does contain an evaluation of the soils and their suitability for infiltration BMPs, it does not support this evaluation with infiltration testing and onsite soils evaluation.
4. §113-17.N.5 Extreme caution shall be exercised where infiltration is proposed in geologically susceptible areas such as strip mine or limestone areas... The design of the stormwater conduits plan and post construction stormwater management report appropriately account for the fact that the site is likely underlain by karst geology. However, a geological evaluation of the proposed location for the infiltration BMPs should be conducted to determine if they are proposed over limestone or other formations susceptible to sink holes. If they will, it would be expected that a hydro-

geologic justification study be performed to determine if ground water contamination can be prevented.

5. §113-17.R.1 Sinkhole prone areas. The stormwater conduit must discharge into lined detention basins. If the geological evaluation shows the proposed infiltration BMPs area underlain by susceptible formations, a waiver will be required.
6. §113-18.E.2 A determination of site conditions in accordance with the BMP manual. A detailed site evaluation shall be completed for projects proposed in areas of carbonate geology or karst topography... Though the plan notes address sinkholes during construction, the post construction stormwater management report does not account for carbonate geology or karst topography.
7. §113-18.E.27 The SWM site plan shall also provide... Drainage-flow pathways. Other than that indicated for the existing concrete drainage flume, drainage-flow pathways are not specifically indicated.
8. It appears the southwestern parking area footprint has been expanded towards the retaining wall between the 6/23/2022 and 8/5/2022 revisions. The increase of impervious area should be accounted for in the PCSM Report Calculations. Please also update the impervious calculation all applicable sheets of the plan.
9. When compared, the storm profiles from 6/23/2022 and 8/5/2022 submission differ slightly. All profiles should be updated to reflect actual inlet sizes and pipe lengths. This should also be accounted for in stormwater calculations.

#### **Stormwater Administrative Comments:**

1. §113-17.N.6 The Township may require the Developer to provide safeguards against groundwater contamination for uses which may cause groundwater contamination, should there be a mishap or spill. It shall be the developer's responsibility to verify if the site is underlain by limestone. The following note shall be attached to all drainage plans and signed and sealed by the developer's engineer/surveyor/landscape architect/geologist; I, \_\_\_\_\_ certify that the proposed detention basin (circle one) is/is not underlain by limestone. The plan or report shall certify then furnish such certification for each basin.
2. §113-18.D Signature Block. Add a signature block indicating the plans conform to the stormwater ordinance.
3. Use consistent names for SIB 1& 2 throughout the plans and plan details.

#### **Post Approval Requirements:**

1. §113-18.E.11 and §113-18.E.19 A notarized signature of the owner of the parcel for which the SWM site plan is proposed indicating that they are aware of and will be responsible for operation and maintenance of the facilities. Also to be included are the name, address,

signature and seal of any registered surveyor (attesting to the accuracy of the boundary survey), professional engineer, landscape architect, or professional geologist (for geomorphological assessments) contributing to and/or with a responsibility for any aspect of the plan where applicable... Signatures, seals and notarization shall be provided by the owner, professional surveyor, and professional engineer of record prior to final approval.

**Other Reviews or Approvals:**

1. §113-18.E.5 ...site plan shall also provide...A soil erosion and sediment control plan, where applicable, as prepared for, reviewed and approved by the York County Conservation District. Obtain approval of the soil erosion and sediment control plan from York County Conservation District.

**General Comments:**

1. The signatures and seals of the individuals responsible for the plan shall be affixed to the plan prior to approval by the Board of Supervisors. (§121-15.F)
2. The notarized signature of the owner(s) shall be affixed to the plan prior to approval by the Board of Supervisors (§121-15.F.4)
3. All administrative items shall be addressed prior to plan recording (payment of all invoices, etc.)
4. All final plans, as recorded, shall be submitted in electronic format (i.e. PDF)
5. A new deed/lot description for each parcel involved in the subdivision plan must be recorded with the subdivision plan so the tax maps are updated.
6. Coordinate the Haviland Road and Carlisle Road connection modifications with the HOP for work within the Penn DOT right-of-way. *Verify that a HOP has been obtained from Penn DOT and is on file with West Manchester Township.*
7. Comments from the York County Conservation District and other outside agencies shall be addressed.

**The following waivers and deferment were granted by the Board of Supervisors:**

**Requested Waivers:**

- W1. §121-9 Preliminary Plan. Waiver is requested to allow the submission of a combined preliminary/final plan set. – Granted by Board of Supervisors 8/25/2022
- W2. §121-14.A.3 Maximum plan size 24"x36". Waiver is requested to allow a plan size of 30"x42". – Granted by Board of Supervisors 8/25/2022



- W4. §121-23.I Which requires horizontal design minimums for public streets. Waiver is requested to allow a private access drive to meet horizontal design minimums. – Granted by Board of Supervisors 8/25/2022
- W5. §42-9.G Access drives shall be 35 feet wide. Waiver is requested to allow 36 feet wide access to accommodate three lanes of traffic. – Granted by Board of Supervisors 8/25/2022
- W6. §42-9.H Access drives shall be 24 feet wide. Waiver is requested to allow a 16-foot-wide one-way access drive.- Granted by Board of Supervisors 8/25/2022

**Requested Deferment:**

- D1. §121-25 Curbs and Sidewalks. Waiver is requested to defer sidewalks along frontage since adjacent properties have not installed sidewalks along frontage. Sidewalks shall be installed in future upon written request from West Manchester Township. – Granted by Board of Supervisors 8/25/2022

**The following waiver was denied by the Board of Supervisors:**

- W3. §121-14.F.1 Transportation Impact Statement. Waiver is requested to not provide a Traffic Impact Statement. Denied by Board of Supervisors 8/25/2022.

MOTION: R. Ruman  
SECOND: S. Harlacher  
MOTION PASSED UNANIMOUSLY

- D. ROAD CLOSURE: Motion to ratify a road closure on Clarke Avenue that occurred from August 16<sup>th</sup> to the 19<sup>th</sup> and August 22<sup>nd</sup>, and on Hoffman Lane from August 23<sup>rd</sup> to the 26<sup>th</sup> for Columbia Gas to install a new gas main.

MOTION: S. Harlacher  
SECOND: R. Ruman  
MOTION PASSED UNANIMOUSLY

- E. TOWNSHIP COMPREHENSIVE PLAN UPDATE: Jesse Suders from Dawood Engineering was present to answer questions the Board had about the plan update RFP. Motion to approve authorization to advertise the Township Comprehensive Plan Update RFP as provided to the Board.

MOTION: S. Harlacher  
SECOND: D. Markel  
MOTION PASSED UNANIMOUSLY

- F. HANDICAP PARKING REQUEST: Motion to deny authorizing the Township Solicitor to prepare and advertise an ordinance for handicap street parking request at 400 Hoke Street. A traffic study was completed and provided to the Board. The

study found that a parking spot behind the residence was available and currently being used by the requestor.

MOTION: R. Ruman  
SECOND: S. Harlacher  
MOTION PASSED UNANIMOUSLY

G. NO PARKING REQUEST: Motion to approve authorizing the Township Solicitor to prepare and advertise an ordinance for “No Parking” signs to be placed on the South side of Gillespie Drive at the request of Frito Lay. Vehicles parking there are causing safety issues with large trucks entering and exiting the facility. A traffic study was completed and provided to the Board. This ordinance will be placed on the September agenda for approval.

MOTION: S. Harlacher  
SECOND: R. Ruman  
MOTION PASSED UNANIMOUSLY

H. MOU AGREEMENT: Motion to approve authorizing staff to sign the MOU agreement for Law Enforcement Services allowing police officers to be permitted to exercise their power and authority outside the limits of their primary jurisdiction. A copy of this was provided to the Board.

MOTION: R. Ruman  
SECOND: S. Harlacher  
MOTION PASSED UNANIMOUSLY

I. ROAD CLOSURE REQUEST: Motion to approve a road closure request for a community block party on September 10, 2022, from 1 to 5 p.m. This would be for the section of Loman Avenue between Michelle Drive and Dorchester Drive.

MOTION: R. Ruman  
SECOND: D. Markel  
MOTION PASSED UNANIMOUSLY

J. SEWER AND STORMWATER UPDATE: Engineer Neideroest provided an update to the Board about the active projects for sewer and stormwater. He explained the different stages so that everyone had a better idea of what was in progress and completed. The area of Rainbow Circle and Hayward Drive was mentioned and Engineer Neideroest said that these projects take time and must be completed in steps. The Board thanked him for the updates and asked him to continue to do so.

## **ADMINISTRATIVE REPORTS:**

- A. **RECREATION DIRECTOR:** Director Trimmer's report was reviewed. Director Trimmer announced the Fall Township Newsletter would be sent out to residents by the end of August. No further questions.
- B. **FINANCE DIRECTOR:** Director Whittaker's report was reviewed. Director Whittaker updated the Board that the audit was almost complete. He also reminded residents that financial help is available for those in need to help with sewer payments. No further questions.
- C. **FIRE CHIEF:** Chief Laughman's report was reviewed. Deputy Chief David Markle was present for this meeting. No further questions.
- D. **POLICE CHIEF:** Chief Snyder's report was reviewed. Chief Snyder updated the Board that all police cars are now outfitted with the license plate scanners. This is proving to be successful. Snyder also thanked his officers, fire, and public works employees for their help at a major traffic accident that occurred. No further questions.
- E. **TOWNSHIP MANAGER:** Manager Kelch announced the schedule for budget preparation was given to all department heads. He also announced he will be meeting with DCED to discuss grant opportunities for the comprehensive and zoning plans. No further questions.
- F. **ENGINEER:** Engineer Neideroest's report was reviewed. No further questions.
- G. **ZONING OFFICER:** Officer Sampere's report was reviewed. Officer Sampere announced that the Zoning Hearing Board for August was canceled. There will be a special meeting held for some items on the agenda on September 20<sup>th</sup>. The rest will fall under the next meeting scheduled for September 27<sup>th</sup>. No further questions.
- H. **SOLICITOR:** Solicitor Herrold's report was reviewed. No further questions.
- I. **PUBLIC WORKS DIRECTOR:** Mr. Shaw's report was reviewed. Mr. Shaw updated the Board on the line painting project being complete. Supervisor Ruman asked Mr. Shaw to investigate Church Road in the Township being backed up during rush hour traffic. He also asked him to look into the hump at the intersection of Taxville Road and Bannister Street and report back at next month's meeting. No further questions.

## **STORMWATER MANAGEMENT/MS4**

Zoning Officer Sampere noted that the Township's MS4 Storm Water Inspector is available Monday thru Friday 8 a.m. to 4:30 p.m. to answer any questions related to storm water management.

**BILLS:** Motion to pay bills as presented:

<u>FUNDS</u>	<u>CHECK NO.</u>	<u>AMOUNT</u>
General Fund	32564-32682	\$ 533,797.28
Liquid Fuels	1191-1206	\$ 375,985.08
Sewer Fund	5356-5394	\$ 33,887.46
Payroll#16 Pay Ending 7/30/22	Paytime Vouchers	\$ 124,848.57
Payroll#17 Pay Ending 8/13/22	Paytime Vouchers	\$ 116,268.54

MOTION: D. Markel  
SECOND: R. Ruman  
MOTION PASSED UNANIMOUSLY

**ADJOURNMENT:**

Motion to adjourn the regular meeting at 8:41 p.m.

MOTION: S. Harlacher  
SECOND: R. Ruman  
MOTION PASSED UNANIMOUSLY