PUBLIC BOARD MEETING MINUTES

January 23, 2025

Vice Chairman Ruman called the meeting to order at 7:00 p.m.

ATTENDANCE:

Supervisors Present: Steven Harlacher – Chairman (remotely)

Ron Ruman – Vice Chairman George Margetas – Supervisor

Staff Present: Lori Trimmer – Parks & Recreation

Keith Whittaker – Finance Director

Clif Laughman – Fire Chief John Snyder – Police Chief Kelly Kelch – Township Manager

Jon Cherry - Engineer

Rachelle Sampere – Zoning & Codes

Andrew Herrold – Solicitor Rich Shaw- Public Works

Laura Mummert – Stenographer

CALL TO ORDER:

A. The Pledge of Allegiance was recited.

EXECUTIVE SESSION:

Vice Chairman Ruman announced there was an executive session held before the evenings meeting to discuss personnel matters.

PUBLIC COMMENT:

- A. Mr. Keith Shearer, 500 Bairs Road, requested the Board consider re-zoning his property during the Comprehensive Plan Update from the current zone of agricultural to residential or industrial. He explained he feels the agricultural zone is obsolete zoning. He also feels if the Township brings sewer to the western part of the Township it will allow for new zoning and growth to take place. Vice Chairman Ruman thanked him for his time.
- B. Mr. Joe Stine from Warehaus spoke on behalf of his client to the Board about entertaining a partial re-zoning for 4480 West Market Street. He asked them to consider rezoning a portion to industrial. Manager Kelch did mention that the applicant had met with staff for their opinions. Vice Chairman Ruman recommended to Mr. Stine that if he would want to move forward, he would need to file for a public hearing to come before the Board.

APPROVAL OF MINUTES:

A. The minutes of December 19, 2024, Public Hearing were provided for approval. Motion to approve the Public Hearing Minutes of December 19, 2024, as presented.

MOTION: G. Margetas SECOND: S. Harlacher

MOTION PASSED UNANIMOUSLY

B. The minutes of December 19, 2024, Public Meeting were provided for approval. Motion to approve the Public Meeting Minutes of December 19, 2024, as presented.

MOTION: S. Harlacher SECOND: G. Margetas

MOTION PASSED UNANIMOUSLY

C. The minutes of January 6, 2025, Re-Organization Meeting were provided for approval. Motion to approve the Re-Organization Meeting Minutes of January 6, 2025, as presented.

MOTION: G. Margetas SECOND: R. Ruman

MOTION PASSED UNANIMOUSLY

OPEN FLOOR DISCUSSION:

None

OLD BUSINESS:

A. T-899 FINAL LAND DEVELOPMENT PLAN FOR SHEETZ #255 REBUILD: Motion to table a final land development plan at the request of the applicant depicting the proposed demolition of the existing Sheetz store and canopies and the construction of a 6,139 square foot Sheetz store with 10 fueling positions, required parking spaces, and drive-thru facility located at 1484 Carlisle Road (Tax Map: 07; Parcel: 0138) in the Highway Commercial and R-3 Residential Zones. The land development plan includes sewer planning module exemption mailer proposing one (1) additional EDU for the development and a public improvements financial security estimate in the amount of \$1,002,716.18.

MOTION: S. Harlacher SECOND: G. Margetas

MOTION PASSED UNANIMOUSLY

NEW BUSINESS:

- A. PENN WASTE SERVICE DISCUSSION: Representatives Andrea McFadden, Erin Dell, and Rodney Huguley were in attendance to discuss with the Board the recent service issues with Penn Waste collections. This also included the delays in delivery with the mobile carts that are now required for all residents to use per the new contract. Vice Chairman Ruman asked them to walk the Board through the process in the decision making to cancel a collection day. Mr. Huguley did so and said that the safety for their employees was the factor in cancelling. The Board asked that Penn Waste communicate more effectively with staff and that they consider only cancelling routes in more extreme weather conditions going forward. At the time of the meeting, the mobile cart delivery issues had been rectified so discussion was not had about that. The Board thanked the three individuals for their time and explanations.
- B. ORDINANCE 25-02 TAX COLLECTOR PAY: Motion to approve Ordinance 25-02, amending the current ordinance to allow for an increase in fees for tax certifications and duplicate bills. This amendment also removes compensation from the West Manchester Township code and, instead, permits periodic changes to tax collector compensation through resolution.

MOTION: G. Margetas SECOND: S. Harlacher

MOTION PASSED UNANIMOUSLY

C. <u>RESOLUTION 25-06 TAX COLLECTOR SALARY INCREASE REQUEST</u>: Motion to approve Resolution 25-06, a request from the tax collector to increase the current salary. Mr. William Niehenke, the current elected tax collector for the Township, was available via phone and gave a brief overview of his request and his reasoning why. Currently Mr. Niehenke is paid \$0.45 per bill. He also pays the Township rent to use office space each year. After some discussion, the Board agreed and made a motion to approve an increase from \$0.45 a bill to \$0.90 per bill. This new increase would not be effective until the new tax collector term beginning January 1, 2026. The Board also approved waiving the rental fee, and that would take effect this calendar year and going forward.

MOTION: R. Ruman SECOND: S. Harlacher

MOTION PASSED UNANIMOUSLY

D. <u>VOLUNTEER FIREFIGHTER TAX CREDIT ELIGIBILITY</u>: Motion to approve the certified tax credit eligibility list in accordance with Ordinance 23-03 as presented by the Fire Chief.

MOTION: S. Harlacher SECOND: G. Margetas

MOTION PASSED UNANIMOUSLY

E. <u>T-873 SURETY REDUCTION FOR FINAL LAND DEVELOPMENT PLAN FOR PLANNED INDUSTRIAL BUILDING</u>: Motion to approve a request from Scott R. Wagner

of 3625 Mia Brae, LP, to reduce the subdivision improvements performance bond for the project located at 390 N. Zarfoss Drive from \$147,151.40 to \$22,072.11 which is the required 15% maintenance guarantee to be held for 18 months. Dawood Engineers has reviewed the request and provided their recommendation to the Board.

MOTION: G. Margetas SECOND: S. Harlacher

MOTION PASSED UNANIMOUSLY

F. T-888 PRELIMINARY/FINAL LAND DEVELOPMENT PLAN FOR PROPOSED FLEX INDUSTRIAL BUILDING FOR 1850 LEMON, LP: Motion to approve a preliminary/final land development plan depicting demolition and re-development of the parcel for a proposed industrial flex building and associated improvements on a 7.328-acre parcel located at 1850 Lemon Street (Tax Map: IH; Parcel: 0030B) in the General Industrial (I-3) Zone. Mr. Bob Sandmeyer was present to answer any questions from the Board. The Board and applicant also accepted the recommended financial security of \$401,179.35.

The West Manchester Township Board of Supervisors voted to conditionally approve the preliminary/final land development plan for the proposed industrial flex building located at 1850 Lemon Street, York, PA subject to the following comments being addressed prior to recording the plan:

Subdivision and Land Development Ordinance (SLDO):

1.	§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 waiver(s). Update the waiver table after the BOS meeting. (Dawood Review Memo #1 & 2)
2.	§121-16 & §121-17 Financial security. Final plan applications that include public improvements that have not been installed shall include financial security Type of financial security commonly used are irrevocable letters of credit and escrow accounts. Such financial security shall be posted by a reputable chartered lending institution or bonding company authorized to do business in the Commonwealth of Pennsylvania and are subject to review by the Township Solicitor for adequacy. WMT prefers that letters of credit are automatically extending. The amount of financial security shall be equal to 110% of the cost of completion estimated as of ninety days following the date scheduled for completion by the developer. The Applicant has submitted apublic improvements estimate in the amount of \$401,179.35 for review by Dawood Engineers. The West Manchester Township Board of Supervisors voted to accept the proposed financial security estimate. Please provide financial security to West Manchester Township prior to the plan being released for recording.
3.	§121-17.D In addition to all bonds or other security required, the applicant shall deliver to the Township a check payable to the Township

	in an amount equal to 3.5% of the bond or other security. The amount deposited by the applicant shall be used by the Township to cover the costs of assuring the proper construction and completion of improvements. Provide an engineering escrow check in the amount of \$14,041.28 to West Manchester Township prior to recording the plan.
4.	§121-19 Maintenance guaranty. The applicant shall submit a maintenance guaranty or other approved guaranty specified herein, guaranteeing the structural integrity as well as function of any improvement shown on the final plan for a term not to exceed 18 months from the date of acceptance of dedication by the BOS.
5.	§121-21 As built plans. Provide two copies of as-built plans prior to issuance of occupancy certificates. Two copies of the plan shall be submitted to the Township, which shall distribute 1 copy of the plan to the Township Engineer. (Dawood Review Memo #1, 2 & 3)

Floodplain Management Ordinance:

(This property is located within the flood zone. LOMA remove the structure from the flood zone in May 2016.)

1.	§75-13 Changes. After the issuance of a permit by the floodplain administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the floodplain administrator. Requests for any such change shall be in writing; and shall be submitted by the applicant to the floodplain administrator for consideration.
2.	§75-10.C.4.b Provide documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within any identified floodplain area when combined with all other existing and anticipated development, will not cause any increase in the base flood elevation. Provide documentation to show the proposed development will not cause any increase in the base flood elevation. As previously indicated, a floodplain study is provided showing no increase in the base flood elevation would be typical. For this project, that could mean a study to include obstruction volumes, including earthwork and structures, within the floodplain showing the flow area has not been decreased. Along with the reduction in runoff volume from the site, this would be sufficient. A separate study or one added to the Post Construction Stormwater Management (PSCM) report would be acceptable. i. Previously Dawood comments that the developer's agent has provided a Floodplain Cut/Fill Report on sheet C-6 and if the developer's registered professional engineer or architect thinks this information

demonstrates that the cumulative effect of proposed and existing development within the floodplain will not cause an increase in the base flood elevation, they should a add a signed note to the cover page citing this information and certifying such. Such a signature block has been added to the cover page. Sign and seal this certification.

Stormwater Management Ordinance (SWMO):

1.	§113-18.E.5 A soil erosion and sediment control plan, where applicable, as prepared for, reviewed and approved by the York County Conservation District. Clarify the length of the rock construction entrance. The plan and detail shows 50', but the "ABACT REQUIREMENTS" note 1 states it shall be 150'. Provide an approval letter from the York County Conservation District for the soil erosion and sediment control plan. (Dawood Review Memo #1, 2 & 3)
2.	 §113-18.E.(7)] The plan and profile drawings of all SWM BMPs, including drainage structures, pipes, open channels, and swales. a. The plan includes two riprap apron details. The permanent apron detail (sheet C-11) includes 3 outfalls. The temporary apron detail (sheet C-12) only has 1 outfall. The plan views only show one outfall location. Revise the plan to include only one permanent apron detail for the proposed outfall location. Addressed b. The subsurface stone infiltration bed typical detail inlet callouts do not match the profile or plan view. Also at least the top of grate elevations for A13 and A12 seem inconsistent with the grading plan (sheet C-5). Update the plans accordingly. c. Revise the 5" orifice invert on the outlet control structure detail to match the report. Addressed
3.	§113-25 As-built plans; completion certificate; final inspection. After construction, provide as-built plans and certification of the SWM BMPs included in the approved plan in accordance with the ordinance. (Dawood Review Memo #1 & 2)
4.	§113-27 Operation and maintenance agreements. Prepare and record an O&M Agreement. This comment has been acknowledged by SDC.

General Comments:

1.	All administrative items shall be addressed prior to plan recording (payment of all invoices, etc.)
2.	All final plans, as recorded, shall be submitted in electronic format (i.e. PDF). Please scan and email a copy with all required signatures and recording information on the plans to WMT.

3.	Dawood reserves the right to comment on future plan submissions or provide additional comments if new issues arise. (Dawood Review Memo #1)
4.	A NPDES permit is required. Please submit copies of an approved NPDES permit to the Township.

The Board of Supervisors also voted to approve the following requested waivers:

W1.	Access Drives. (§42-9.G) Which requires that no access drives shall have curb cuts exceeding thirty-five feet (35') in width as measured at the property line. The waiver request is to allow two (2) proposed curb cuts that measure fifty feet (50') at the property line and eighty-seven feet (87') at the right-of-way line due to turning radii of the larger vehicles that will enter and exit this proposed project site in addition to avoid having to relocate an existing utility pole.
W2.	Preliminary Plan. (§121-9) Which requires the submission of a preliminary plan. Dawood has no objection to this waiver.
W3.	Sheet Size. (§121-14.A.3) Which requires a plan sheet size no larger than 24"x36". Waiver is requested to use a 30"x40" plan sheet.
W4.	Shade Trees. (§121-33.C) Which requires specific tree varieties listed in the Ordinance. Waiver is requested to select PA native trees that are more specific for their proposed locations.
D1.	Sidewalks. (§121-25) Which requires that sidewalks shall be provided along the frontage of the entire property. Dawood recommends a deferment of sidewalks instead of waiving the requirement. This waiver request appears to have been removed from the Title Sheet of the plan. Are curbs and sidewalks now being proposed along Lemon Street or is the deferment still being requested?

MOTION: R. Ruman SECOND: S. Harlacher

MOTION PASSED UNANIMOUSLY

G. T-891 (REVISED) PRELIMINARY/FINAL LAND DEVELOPMENT PLAN FOR YORK GARBER I: Motion to approve a preliminary/final land development plan for York Garber I, which depicts a proposed 236,226 sq. ft. (previously depicted 204,474 sq. ft.) solar energy farm located at 1750 Taxville Road (Tax Map: IG; Parcel: 0059) in the Agricultural Zone. Dawood Engineers has reviewed the public improvements estimate and recommends the Board approve the applicant's estimate to establish financial security in the amount of \$1,308,330.89. The West Manchester Township Board of Supervisors voted to conditionally approve the REVISED preliminary/final land development plan for the

proposed York Garber I solar energy farm project located at 1750 Taxville Road subject to the following comments being addressed prior to recording the plan:

H. Subdivision and Land Development Ordinance (SLDO) Preliminary Plan/Final Plan:

I. 1. K. 2.	J. 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 waiver(s). §121-14.D.15. Please add any waiver requests to the title page of the plan and add a line for the date of the action and the outcome of the Board's action for each requested waiver. L. §121-14.D.12- Proposed features. – The location and material of all permanent monuments and lot line markers, including a note that all
	monuments and lot line markers are set or indicating when they will be set. Show the locations or indicate and label where they will be set in existing and proposed plans. The label for the southwest corner monument is cutoff on sheets CS0202 and CS1002. Please correct this.
M. 3.	N. Financial Security. §121-17 Financial security is required prior to recording the plan. West Manchester Township prefers automatically extending or evergreen irrevocable letters of credit or escrow accounts. Such financial security shall be posted by a reputable chartered lending institution or bonding company authorized to do so in the Commonwealth of Pennsylvania and is subject to review by the Township Solicitor for adequacy. The West Manchester Township Board of Supervisors unanimously voted to accept the Applicant's financial security estimate of \$1,308,330.89. Please submit financial security to West Manchester Township prior to the plan being released for recording.
O. 4.	P. Engineering escrow shall be delivered to the Township, prior to recording the plan, in the form of a check payable to the Township in the amount equal to 3.5% of the bond or other security. If the amount furnished is not sufficient to cover inspections, administrative and other related costs, the applicant shall furnish additional amounts from time to time, when notified to do so. §121-17.D Provide engineering escrow prior to recording the plan. Please provide an engineering escrow check made payable to West Manchester Township in the amount of \$45,791.58 prior to the plan being released for recording.
Q. 5.	R. Maintenance guaranty. §121-19. A maintenance guaranty will be required. (Dawood Review Memo #3)
S. 6.	T. As-built plans. §121-21. Upon completion of all required improvements and prior to the issuance of occupancy permits, the applicant shall submit an as-built plan showing the location, dimension and elevation of all public improvements. In addition, the plan shall indicate 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 not all deviation from the previously approved drawings. Two copies of the plan shall be submitted to the Township, which shall distribute one copy to the Township Engineer and retain one copy for the Township files. Provide as-built plans upon completion of work. (Dawood Review Memo #3)

U.

V. Stormwater Management Ordinance:

W. 1.	X. §113-12.K – All encroachment activities shall comply with the requirements of Pennsylvania DEP, 25 Pa. Code 105 (Water Obstructions and Encroachments). Provide a copy of the permit application and associated detailed information as required in the Stormwater Management Ordinance. Confirm that provision of fee-inlieu of replacement wetlands is to be provided. Pennoni stated that they are seeking approval for a chapter 105 Water Obstructions and Encroachment General Permit for the proposed minor road crossing of the existing wetland.
Y. 2.	Z. \$113-18.E.9 The SWM site plan shall include an operation and maintenance plan for all existing and proposed physical stormwater management facilities. This plan shall address long-term ownership and responsibilities for O&M as well as schedules and costs for O&M activities. An O&M Agreement shall be executed and recorded in accordance with section PCSM 113-27. The comment has been noted by Pennoni.
AA. 3.	BB. §113-18.E.11 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 an maintenance of the facilities. An associated signature block should be added. It must also be sealed and notarized before recording the plans. The comment has been noted by Pennoni.
CC. 4.	DD. §113-18. E.(19) – The name of the development, the name and address of the owner of the property, and the name and address of the individual or firm preparing the plan. Also to be included are the name, address, signature, and seal of any registered surveyor (attesting 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. Previously Dawood indicated that the property owner, surveyor, professional engineer and professional geologist names, addresses and signatures are required and that the surveyor's name and contact information

	should be added. The names of the registered surveyor, professional engineer, landscape architect, professional geologist has been included under note 16 of the general notes. The signature blocks have been added for all the appropriate people, but the signatures will need to be executed.
EE.5.	FF.§113-27.A] – Operation and maintenance agreements. Prior to final approval of the SWM site plan, the property owner shall sign and record an operation and maintenance (O&M) agreement (See Appendix A.[1]) covering all stormwater control facilities which are to be privately owned. Pennoni has indicated the applicant (York County PA S1, LLC) will be paying for all O&M responsibilities and maintenance and that schedules for O&M activities are provided in the PCSM O&M notes on sheet CS9501. An O&M agreement is required regardless of the party responsible for O&M. The onsite stormwater infrastructure discharges into Township infrastructure for which a consortium including the Township hold an MS4 permit. Also, the Township is responsible for O&M of Township stormwater infrastructure. If the applicant fails to maintain the onsite infrastructure in accordance with the plan, Township stormwater infrastructure could be adversely affected. The O&M agreement is key should the Township ever need to enter the property to complete maintenance needed to protect offsite infrastructure or meet the requirements of the MS4 permit.
GG. 6.	HH. §113-28 – Performance guarantee – For SWM site plans that involve subdivision and land development, the applicant shall provide a financial guarantee to the Township for the timely installation and proper construction of all stormwater management controls as required by the approved SWM site plan and this chapter in accordance with the provisions of Sections 509, 510, and 511 of the Pennsylvania Municipalities Planning Code. Previously, Dawood indicated an estimate should be provided with the next submission. An Opinion of Probable Cost has been provided, is under review, and comments will be provided separately.

II.
JJ. General Comments:

KK. 1.	LL.A benchmark should be shown on the plan.
MM. 2.	NN. 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)
OO. 3.	PP. Stormwater Operation & Maintenance Agreement required.
QQ. 4.	RR. All administrative items shall be addressed prior to plan recording (payment of all invoices, etc.)

SS.5.	TT.All final plans, as recorded, shall be submitted in electronic format (i.e. PDF)
UU. 6.	VV. An E&S plan and N.P.D.E.S. approvals by the York County Conservation District (YCCD) are required prior to recording the plan.

WW.

XX. The following waivers were granted by the Board of Supervisors on August 23, 2024 and re-approved on January 23, 2025:

YY. W1.	ZZ.§121-9 Preliminary Plan. The waiver request is to combine the preliminary and final land development plans instead of submitting individual preliminary and final land development plans.		
AAA. W2.	BBB. §121-14.A.1 Drafting Standards. The waiver request is to allow 1" = 150' on overall sheets instead of the maximum scale of 1" = 100'. (Sheets: CS0200, CS1000, CS8000, CS9000)		
CCC. W3.	DDD. §121-23.C Improvements to Existing Streets. The waiver request is to not be required to make any improvements to the existing street.		
EEE. W4.	FFF. §121-23.R.4 Streets, Access Drives, Driveways. The waiver request is to provide an area of a "k" turn in lieu of a cul-de-sac and to not pave the turnaround area.		
GGG. W5.	HHH. §121-25 Sidewalks and Curbs. The waiver request is to not be required to install curb or sidewalk along Taxville Road.		
III. W6.	JJJ.§113-17.H.1 Stormwater Design Standards. The waiver request is to not provide inlets along the driveway. Roadside swales will be utilized to manage the runoff and will be sized for the 10-year storm.		
KKK. W7.	LLL. §113-17.H.2 Stormwater Design Standards. The waiver request is to not provide calculations for flow crossing the center line of a local road or driveway intersection. This condition does not exist because there is an existing storm ditch where runoff from Taxville Road, as well as runoff from the site, will drain without flowing toward intersection.		
MMM.W8.	NNN. §42-8.F Access Drives. The waiver request is to allow for multiple access drives to intersect with the street line of Taxville Road.		

MOTION: G. Margetas SECOND: S. Harlacher

MOTION PASSED UNANIMOUSLY

ADMINISTRATIVE REPORTS:

- A. <u>RECREATION DIRECTOR</u>: Director Trimmer's report was reviewed. No further questions.
- B. <u>FINANCE DIRECTOR</u>: Director Whittaker's report was reviewed. Whittaker announced that the 2024 audit will soon begin. No further questions.
- C. <u>FIRE CHIEF</u>: Chief Laughman's report was reviewed. No further questions.
- D. POLICE CHIEF: Chief Snyder's report was reviewed. No further questions.
- E. TOWNSHIP MANAGER: Manager Kelch's report was reviewed. No further questions.
- F. <u>ENGINEER</u>: Engineer Niederoest report was reviewed. Engineer Jon Cherry was in attendance for this meeting. No further questions.
- G. **ZONING OFFICER**: Officer Sampere's report was reviewed. No further questions.
- H. <u>SOLICITOR</u>: Solicitor Herrold's report was reviewed. No further questions.
- I. <u>PUBLIC WORKS DIRECTOR</u>: Director Shaw's report was reviewed. No further questions.

STORMWATER MANAGEMENT/MS4

Zoning Officer Sampere noted that the Township's MS4 Storm Water Inspector is available Monday through 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>	CHECK NO.	AMOUNT
General Fund	36332-36480	\$ 940,308.48
Liquid Fuels	1591-1600	\$ 8,460.48
Sewer Fund	6375-6404	\$ 479,315.12
Payroll #1 Pay Ending 12/28/24	Paytime Vouchers	\$ 145,168.27
Payroll #2 Pay Ending 01/11/25	Paytime Vouchers	\$ 128,716.87

MOTION: G. Margetas SECOND: S. Harlacher

MOTION PASSED UNANIMOUSLY

ADJOURNMENT:

Motion to adjourn the meeting at 7:50 p.m.

MOTION: G. Margetas SECOND: S. Harlacher

MOTION PASSED UNANIMOUSLY