

PUBLIC BOARD MEETING MINUTES

October 26, 2023

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

ATTENDANCE:

Supervisors Present:

Steven Harlacher – Chairman
Ronald Ruman – Vice Chairman

Staff Present:

Lori Trimmer – Parks & Recreation
Keith Whittaker – Finance
Clif Laughman – Fire Chief
John Snyder – Police Chief
Kelly Kelch – Township Manager
Rainer Neidorest - Engineer
Rachelle Sampere – Zoning & Codes
Andy Herrold – Solicitor
Rich Shaw- Public Works
Laura Mummert– Stenographer

CALL TO ORDER:

- A. The Pledge of Allegiance was recited.
- B. A moment of silence was had by staff and the audience in remembrance for the recent passing of retired police chief, Art Smith.

EXECUTIVE SESSION:

Chairman Harlacher announced there was an executive session held prior to tonight's meeting to discuss personnel matters. He also announced an executive session was held on October 11th, 13th, and 17th to hold interviews for applicants interested in filling the vacant Supervisor position.

PUBLIC COMMENT:

None

APPROVAL OF MINUTES:

- A. The minutes of the September 28, 2023, Public Meeting were provided for approval. Motion to approve the Public Meeting Minutes of September 28, 2023, as presented.

MOTION: R. Ruman

SECOND: S. Harlacher

MOTION PASSED UNANIMOUSLY

OPEN FLOOR DISCUSSION:

None

OLD BUSINESS:

None

NEW BUSINESS:

- A. RESOLUTION 23-15 HONORING SUPERVISOR DAVE MARKEL: The Board and Manager Kelch honored Supervisor Dave Markel on his retirement as a Township Supervisor who served on the Board beginning January 1, 2000, and whose term ended on October 23, 2023. Supervisor Markel was presented with a rocking chair, plaque, and Resolution marking his accomplishments and thanking him for his commitment to the Township over the past twenty-three years. A motion to approve Resolution 23-15, honoring Supervisor Dave Markel was made and passed.

MOTION: S. Harlacher

SECOND: R. Ruman

MOTION PASSED UNANIMOUSLY

- B. APPOINTMENT OF SUPERVISOR: The Board thanked the six (6) applicants that applied and were interviewed for the vacant supervisor position. Chairman Harlacher explained how blown away he was with how great the applicants were and how they each had something unique to offer. Vice-chairman Ruman echoed that same remark. Chairman Harlacher made a motion to appoint George Margetas to the open position as supervisor. Vice-Chairman Ruman made a motion to appoint Randy Zmolek to the open position as supervisor. Both motions died for lack of a second. Manager Kelch explained that this matter will now move to the Vacancy Board for the final decision to be made by the chairman of this board after interviewing each applicant. This special meeting will be advertised to the public when a date and time have been decided.

- C. CAPITOL FUND TRANSFERS: Motion to approve the transfer of access revenue in accordance with the memo provided to the Board from the Township manager and Finance Director.

MOTION: R. Ruman

SECOND: S. Harlacher

MOTION PASSED UNANIMOUSLY

- D. T-880 PRELIMINARY/FINAL LAND DEVELOPMENT PLAN FOR STOLTZFUS-WEST MARKET STREET: A brief overview was given to the Board by the project manager for this plan, Mr. Joe Stine. Motion to approve a preliminary/final land development plan depicting the proposed development of a 4,800 square foot commercial building on Lot 1, associated parking facilities, stormwater facilities and a shared limited access drive between Lot 1 and Lot 2 located at 4380 West Market Street in the Local Commercial Zone. This motion was approved contingent on the applicant incorporating the below waivers:

Zoning Ordinance (ZO):

1. §150-273. Landscaping and screening. Unless otherwise indicated, all off-street loading facilities shall be surrounded by a ten-foot-wide landscape strip. All off-street loading facilities shall also be screened from adjoining residentially zoned properties and/or adjoining streets. *The loading zone on Lot 1 has been labeled, but how will it be screened from the adjoining street if it is located in front of the building? Please revise the location of the loading zone, screen it from the street or request a variance from the Zoning Hearing Board. The applicant has indicated that a specific end user for this lot is not yet known, so it is possible that the future use may not require a loading space. Because the use may not necessitate a loading space, the loading space has been removed from the plans. Should the future use require a loading space, a loading space will be provided prior to building occupancy. Please find a site plan showing potential loading space locations on sheets LD-25 and LD-26.*
2. §150-251 & 252 Off-street parking. Minimum space size... Compact car parking spaces. ...Only 1/3 of the spaces in a lot may be compact car parking with a length of 20 feet. The remainder of standard spaces must be 22 feet long.

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. Address any fire department comments. **Contact Fire Chief Laughman at claughman@wmtwp.com for specific requirements.**
2. §121-14.D.14 and §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 requested waivers based upon the action of the Board of Supervisors.**
3. §121-14.F Impact statements. Impact statements for all nonresidential uses: transportation. **Please submit a traffic impact study and include West Manchester Township in the PennDOT scoping process for the Highway Occupancy Permit. A waiver has been requested for the transportation impact statement. Dawood does not support this waiver. Route 30 is a heavily traveled road. It is unlikely that a commercial building will be constructed with no intended use. However, if a specific user is unknown, a worst-case assumption must be used to provide a conservative evaluation within the TIS. The Township must be copied on all correspondence with PennDOT, including scoping correspondence.**
4. §121-15.F and §121-14.G.2 Certifications and notifications. A statement by the individual responsible for the data to the effect the survey, plan and/or other general data are correct. (See Appendix No. 1) This statement must be placed on both plans and reports. **Sign and seal the plans and reports.**
5. §121.15.F.4 A notarized statement signed by the landowner, to the effect that subdivision or land development shown on the plan is the act of the deed owner, that all those signing are all the owners of the property shown on the survey and plan, and that they desire the same to be recorded as such (See Appendix No. 2) **This must be dated following the last change or revision to said plan.**
6. §121-15.F.9 & §121-16 Improvement guaranties. Financial security in accordance with §121-17 accepted by the Board of Supervisors. **Please submit a financial security estimate for Dawood to review and for Board of Supervisors' action. The associated estimate looks acceptable with**

a couple of exceptions. The quantity of 15" SLCPP seems short by at least 30 feet. Also, in section 3, the Stormwater Management section, the estimate appears to only account for the storage volume not the associated excess excavation and backfill. Based on the profiles and basin cross-sections in the drawings, the work will require about 7,300 ft more excavation and backfill work than accounted for in 2nd and 3rd lines of the Stormwater Management section. Please update the public improvements surety estimate accordingly.

7. §121-17.D The applicant in addition to all bonds or other security required, 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, including inspection during installation, inspection upon completion, administrative costs and other related costs. If the amount deposited by the applicant is not sufficient to cover such costs, the applicant shall furnish additional amounts from time to time when notified to do so. ***Upon approval of the financial security estimate, please provide an escrow check in the amount of 3.5% of the approved financial security estimate made payable to West Manchester Township.***
8. 121-19. Maintenance guaranty. Applicant shall submit a maintenance guaranty or other approved guaranty as specified herein, guaranteeing the structural integrity as well as function of any improvement shown on the final plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication by the Board of Supervisors. Said guaranty shall not exceed fifteen percent (15%) of the actual cost of installation of said improvements and be of the same type of financial security as required in this Article. ***A maintenance guaranty will be required.***
9. §121-21. As-built plans. Prior to 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 that the resultant grading, drainage 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 deviations 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) copy for the township files. ***Applicant shall furnish as-built plans prior to obtaining an occupancy certificate.***

Stormwater Management Ordinance:

1. §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 and maintenance of the facilities. ***Sign and notarize the plan.***
2. §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.
3. §113-27 Operation and maintenance agreements. Prepare and record an O&M Agreement.

ADJUSTMENTS TO THE PLANS:

Dawood believes several recommendations for improving the plans are warranted. Some of these will correct errors or internal inconsistency. The rest are consistent with [SLDO §121-22] which states, "the standards and requirements contained in this article shall apply as minimum design standards for subdivisions and/or land

developments. Whenever other Township ordinances or regulations impose more restrictive standards and requirements than those contained herein, the more restrictive shall apply.”

1. Provide documentation of the shared access agreement with the adjacent property owner. The agreement must outline the terms of use and timing of deliveries due to the presence of the locked gate and potential interference with parking and business operations. Furthermore, the easement must extend to include the entire proposed site access at West Market Street (SR 0030) since this will also be used by the neighboring property owner. Note that the shared access easement must be executed by both parties and recorded in the county courthouse. ***The applicant has acknowledged this requirement. The limits of the easement appear to be adequate.***
2. Coordinate with the West Manchester Township emergency services to confirm the preferred product for the rapid entry padlock (such as Knox Box or Super Safe Box) and update the Bollard and Chain Detail accordingly. *The applicant has acknowledged this requirement.*
3. Since a shared access is proposed between the sites, and tractor trailers are planned to utilize the Stoltzfus site, it must be demonstrated that the tractor trailers can access the site from U.S. Route 30 safely and in compliance with PennDOT regulations. Previous concerns have been noted regarding tractor trailer access at the adjacent Window World driveway.

Therefore, the Applicant is required to do one of the following:

- a. Coordinate with the adjacent property owner to obtain a PennDOT HOP for the Window World Driveway.
- b. Eliminate the shared access between the sites and create a physical obstruction to prevent tractor trailers from using the Stoltzfus site.

General Comments:

1. A Knox box will be required to be installed on the building prior to use and occupancy. Contact Fire Chief Laughman to discuss the desired location.
2. 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)
3. Provide a copy of the PennDOT highway occupancy permit for Lot 1.
4. 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)
5. All administrative items shall be addressed prior to plan recording (payment of all invoices, etc.)
6. All final plans, as recorded, shall be submitted in electronic format (i.e. PDF)

The Board of Supervisors granted the following waivers on October 26, 2023:

- W1. §42-9.B Access Drives Specific Design Standards. To provide an access drive in location shown on the plan, less than 25’ from the property line.
- W2. §42-9.G Access Drives Specific Design Standards. To provide an access drive as shown on the plan, greater than 35’ at the curb cut.

- W3. §113.17.A.3 Runoff calculations. To determine peak discharges and volumes of runoff per the latest version of TR-55, urban hydrology for small watersheds.
- W4. §121-9.A.1 Preliminary Plan. Applicant seeks to go directly to Final Plan.
- W5. §121.14.F.1 Transportation Impact Statement. To not require the submission of a traffic impact statement. The worst-case assumption must be used to provide a conservative evaluation within the TIS. The Township must be included in all correspondence with PennDOT, including scoping correspondence for the Highway Occupancy Permit.
- W6. §121-25 Sidewalks. Applicant seeks to defer sidewalk installation. *Dawood's memo indicates that the delay in construction of the sidewalks does not appear to create any significant concerns at this time.*

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

- E. “TRUCK OR TREAT” ROAD CLOSURE REQUEST: Motion to approve a road closure request for the annual “Truck or Treat” event on October 31st from 6 to 8 p.m. Staff requests the road closure for the area of Hempfield Drive between Loman Avenue and Sparrow Drive.

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

- F. 2024 FUND BALANCE POLICY: Motion to approve recommendation to establish the 2024 fund balance at a minimum of \$2,649,205.00. This policy is in place to ensure funds are available to pay bills acquired during the first quarter of the following year until revenues for that same year are collected.

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

- G. REQUEST FOR TEMPORARY SEWER/TRASH BILL DISMISSAL: Discussion was had by the Board on the request made by Mr. Rick Newmoyer on behalf of Ms. Leslie Landis, owner of Rapunzel’s Hair Creations located at 2260 Carlisle Road. Mr. Newmoyer requested a temporary dismissal of paying the sewer/trash bill for this property as it is vacant and for sale. The Board discussed their concern for the Township having to constantly verify that sewer wasn’t being used and the current trash company verifying that trash was not being laid out for collection. It was also mentioned that residents would need to take on extra cost to so called “foot” the bill if they allowed others to have this option in the future. Therefore, by census, the Board denied this request.

- H. AUTHORIZATION FOR ADVERTISEMENT: Motion to approve authorizing the Township Solicitor to advertise the proposed noise ordinance for consideration at the November 9th, 2023, Board meeting. Manager Kelch also mentioned that a copy of the DRAFT ordinance would be available on the Township website for anyone to review.

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

- I. BID AWARD FOR RAINBOW CIRCLE PROJECT: Motion to approve awarding Wexcon, Inc. the Rainbow Circle Area Stormwater Repair Project in the amount of \$93,564.00. Wexcon, Inc. was the lowest bidder for this project.

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

- J. APPLICATION FOR PAYMENT: Motion to approve application for payment #6 for the Hayward Area Sewer Rehabilitation Project to Mr. Rehab, LLC. The amount for this invoice is \$149,818.80.

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

ADMINISTRATIVE REPORTS:

- A. RECREATION DIRECTOR: Director Trimmer's report was reviewed. Trimmer thanked all departments involved in the Truck Touch event. She also announced that Trick-or-Treat events will take place October 31st. The Comedy-improv show is also sold out! No further questions.
- B. FINANCE DIRECTOR: Director Whittaker's report was reviewed. Whittaker announced the 2022 audit was completed and will be posted to the Township website. The Board was presented with the 2024 DRAFT budget for their review and comments. Currently, no tax increase is proposed for 2024. No further questions.
- C. FIRE CHIEF: Chief Laughman's report was reviewed. Laughman announced the new fire engine arrived and thanked the Board for their support. He also announced the department was awarded a grant for new tools. No further questions.
- D. POLICE CHIEF: Chief Snyder's report was reviewed. Snyder gave a brief remembrance for the passing of retired police chief, Art Smith. Chief Snyder also updated the Board and residents on the investigation and closing of the case at 1918 Carlisle Road. The Chief announced he will be working with the Board, Township Manager, and Solicitor on creating an ordinance to make it harder for salons to come into the Township. No further questions.
- E. TOWNSHIP MANAGER: Manager Kelch's report was reviewed. No further questions.
- F. ENGINEER: Engineer Niederoest report was reviewed. No further questions.
- G. ZONING OFFICER: Officer Sampere's report was reviewed. No further questions.
- H. SOLICITOR: Solicitor Herrold's report was reviewed. Herrold informed the Board that he will not be in attendance for the November 9, 2023, Board meeting. One of his colleagues will be present. No further questions.
- I. PUBLIC WORKS DIRECTOR: Director Shaw's report was reviewed. He announced leaf collection season was well under way. 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>	<u>CHECK NO.</u>	<u>AMOUNT</u>
General Fund	34366-34492	\$ 1,901,539.86
Liquid Fuels	1392-1408	\$ 28,002.28
Sewer Fund	5852-5879	\$ 433,108.23
Payroll #21 Pay Ending 10/07/23	Paytime Vouchers	\$ 123,141.56
Payroll #22 Pay Ending 10/21/23	Paytime Vouchers	\$ 125,965.01

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

ADJOURNMENT:

Motion to adjourn the regular meeting at 7:46 p.m.

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