

MANCHESTER BOROUGH MEETING MINUTES

225 S. MAIN STREET MANCHESTER, PA 17345

August 14, 2023

- President Wade Witt called the meeting to order at 7:00 P.M. and led with the Pledge of Allegiance
- Roll call was performed, and the following officials were present:

Adam Bowman
Mike Jackson
Ryan Neely (Absent)
Wendy Snyder
Mike Stahle

Wade Witt
Larry Weirich
Joseph Paniagua
Solicitor Beth Kern
Zoning Officer Johnathan Heilman
Mayor Patricia Witt

Approval of Agenda/Minutes

- A motion was made by Adam Bowman to approve the July 10, 2023 minutes as presented. Mike Stahle seconded the motion and the motion carried.

Public Comments/Guests:

- None in attendance

Fire Company: Chief Joe Stevens

- 29 calls/0 loss/0 injuries
- The rib BBQ will be held on September 16 2023 at the Giant parking lot. The Shrimp feed will be held on October 1st, 2023, and the tickets will be \$25 each.
- Tiffany Mays asked if the firefighter from Mount Wolf was okay. Joe stated he is doing very well. Joe stated that it has been incredibly busy this past month. It is busier than usual. Nothing out of the ordinary, however, there have been a lot of fires.
- Joe stated that the firefighters all commented that they very much enjoyed the new newsletter and would like to be contacted before the next newsletter is sent out as they would like to be a part of this as well.
- Wade Witt asked if the fire company has seen any incidents of people having firepits that are resulting in fires. Joe stated that they really do not see fires from accidental incidents. What the fire department does see because of the ordinance are neighbors picking on each other by calling 911 to report them. Which then turns into a civil matter

Treasurer's Report: Wendy Snyder

- The General Checking Account (M & T Bank) starting balance was \$583,360.13. Receipts for the month of July 2023 were \$38,739.68, Disbursements were \$59,693.66 leaving a total of \$562,406.15 in the account. Members 1st Bank Money Market Account \$100,209.67. The ACH accounts were reviewed as follows: Rutter's Fuel \$000.00, Sheetz \$300.74, Met-Ed \$2,879.35, Columbia Gas \$29.92, and Comcast \$193.55. The PLIGIT accounts were also reviewed for the month of July 2023. The recreation fund balance for July 2023 is \$18,518.86, and the M&T COVID Fund has a balance of \$156.975.75

MANCHESTER BOROUGH MEETING MINUTES

225 S. MAIN STREET MANCHESTER, PA 17345

August 14, 2023

- The current bills for July are \$76,242.82 with payroll for disbursements which also included the start of donations in August 2023. President Witt asked if we were paying donations to EMS this year since it has changed from Northeastern EMS to Well Span EMS. Beth Kern suggested that this subject be placed on the agenda for Budget of 2024 meeting as a review for donations for community organizations.
 - Adam Bowman motioned to approve the July 2023 account balances as read and presented. Larry Weirich seconded the motion and the motion carried.
 - A motion was made by Adam Bowman to approve the bills as presented for July 2023, except for the removal of the \$3,500 EMS line it. The Borough does not desire to give WellSpan a donation. It was seconded by Mike Jackson and the motion carried. The new balance for disbursements due is \$72,742.82.
- Treasurer Snyder presented a new Welcome to the Borough letter. This was an idea that Wendy had as she has seen that there has been an increase in new people moving to the Borough and knowing being aware of and or following the Borough ordinances. Beth Kern suggested trying to incorporate some kind of equal opportunity of government services. Adam Bowman stated he is fine with the way it is currently written. Beth stated that with an official communication from the Borough it is written that someone could not change it to use it against the Borough regardless of how well meant it is. Joseph Paniagua stated he would prefer it to be written to more of the Solicitor's advice.
 - Adam Bowman motioned to approve and use the new Welcome to the Borough letter as is. Mike Jackson seconded the motion. The motion did not carry unanimously as Joseph Paniagua opposed. The motion passes 4:1.

Mayor's Report: Patricia Witt

- Police report in council packets
- Mayor Witt states there has been an increasing issue with citizens not getting permits in the Borough. Soft warning letters are being sent and the citizens are not responding. Mayor Witt suggests those who will not comply be sent to the Solicitor to be further handled. Tiffany Mays stated that with the tracking of citizen concerns we can track those who are repeat offenders and bring those to council's attention. Mayor Witt stated that one significant offender is a resident on Cooper St. There is an annual issue with sending them letters each year. Adam Bowman asked when this was discussed before why are we addressing it now. Wade Witt stated that we are discussing it as it is not being handled after those discussions. Beth Kern suggested that it would be best for each month to have a list of the addresses on the agenda under either the zoning report, or the mayor's report to define the two different issues. This will give the proper owner fair notice that their property will be discussed at the upcoming public council meeting. They can then attend and participate if they wish. The notice that was sent to the citizens will need to be included in the council packet and the council can review it individually.

MANCHESTER BOROUGH MEETING MINUTES

225 S. MAIN STREET MANCHESTER, PA 17345

August 14, 2023

This will then be on a case-by-case basis with clear documentation. Wade Witt asked if there are steps that need to be taken. Beth Kern stated that the council deems it policy on this matter. However, a lot of municipalities will send a soft warning letter first, then a formal enforcement notice, then council review to take to the Solicitor for the magistrate. The Borough does not need to send new letters throughout the year to those citizens who get a notice and have continuing offenses. However, it must be within the same type of violations. Wade Witt stated that the Secretary has been watching 811 submissions and if they are for a resident that is performing digging or installations, the secretary then consults the mayor to see if a permit was obtained. Adam Bowman asked if the 811 tickets are denied if the resident has not gotten a permit. Tiffany Mays stated that she does not approve of the 811 ticket she just leaves it open until a permit is obtained. If it is not within a certain time frame, she will then deny the 811 tickets as to not allow the Borough to be held accountable. Beth Kern asked if would be helpful, to ensure enforcement notices are sent in compliance that she drafts a template zoning enforcement notice and a template codes enforcement notice that then Tiffany Mays, the Mayor or the Zoning officer could use so it would make it easier to make sure all mandatory items are included. Wade Witt stated that he agrees as it needs to be consistent for all.

- Adam Bowman motioned to allow Solicitor Beth Kern to draw up a warning letter template and an enforcement letter template for the Borough and Zoning to use. Mike Jackson seconded the motion, and the motion was carried unanimously.
- Commonwealth Code Zoning Officer quote received. The quote provided was \$60 for residential, and \$100 for commercial. Currently C.S. Davidson Inc. is acting as the zoning officer. Previously it was Judy Hilliard who has since retired. After her retirement C.S. Davidson Inc. stepped in to support until a new zoning officer was hired. The Borough would benefit from a local zoning officer. The mayor stated that Commonwealth Code also mentioned that they would also be willing to be the Borough's code enforcement officer, but they did not quote that at this time. The council reviewed the quote provided to them.
 - Adam Bowman made a motion to accept the quote for Commonwealth Code and appoint them as zoning officers for the Borough. The motion was seconded by Mike Jackson, and the motion was carried unanimously.
- Mayor Witt stated that taxes will be starting next week, and Chief Bryan Rizzo will be sitting in with Kelly Neely as taxes are collected. There will be no charge to the Borough but, there was no reason given as to why there is no cost.

Engineer's Report: John Rea

MANCHESTER BOROUGH MEETING MINUTES

225 S. MAIN STREET MANCHESTER, PA 17345

August 14, 2023

- John Rea's engineer report was placed in the council packets, and Johnathan Heilman was taking questions to take back to John Rea upon his return from vacation. Tiffany Mays asked that since the ECMS set up was completed on her part, and she has seen two ECMS emails received for permits entered, were there any further steps that need to be completed. Tiffany Mays believed that there were further steps to be completed but has not heard back yet. Johnathan to review with John Rea and get Tiffany Mays a response.
- 35 S. Liverpool Street - Dangerous Structure (Shed). Mike Jackson stated that a tree fell on the shed years ago, and he offered to take the shed down for the citizen and the citizen denied him to do so. Beth Kern stated in the Borough Code Chapter §70-5, calls for an investigation when it comes to the Borough's attention that there may be a building or structure in a dangerous condition. Upon informal notice coming to the Borough, an investigation needs to be done of the structure. If the investigation indicates that the building or structure is dangerous, a written report of the investigation needs submitted to Council specifying the condition and setting forth if the structure is dangerous. It then needs to be stated in the submission to council if the shed is capable of being repaired or it should be removed as it cannot be repaired. A written report was submitted by John Rea, engineer for the Borough, indicating that he believes the structure is in such poor condition that it needs to be removed and cannot be repaired. Borough Code Chapter §70-6 states the Borough needs to give the owners written notice, based on the tax records of York County, and the owners are to appear before the council on a specified date on the notice to show cause why the building reported to be dangerous not be demolished in accordance with the particulars of the notice. This notice must be personally delivered to the owner or sent by certified mail. At the hearing testimonies will be heard, and written findings and facts of testimony offered with a determination if the structure is dangerous, and whether or not it needs to be demolished or repaired. The property owner would be given additional notice of the findings which then they have 10 days of that notice to complete the repair or the removal with the conclusion of the removal taking 50 days from the notice given. The next steps for the Borough, as the engineer report was submitted to council, will be to schedule a hearing and give notice to the owner.
 - A motion was made by Adam Bowman to authorize Solicitor Beth Kern to draft a notice to the property owner of 35 S. Liverpool St. in reference to the dangerous structure on their property, and to attend 30 minutes before the September 11th Council meeting to address and speak with Council. Mike Stahle seconded the motion and the motion carried unanimously.
- Zoning officer's report provided. There are a number of items that the soft warning letter was sent, and nothing has happened, Johnathan suggests that we take the next step with the enforcement letter. Johnathan Heilman asked since the Borough is hiring a new zoning officer does this prevent C.S. Davidson Inc. from helping during the transition to the new zoning officer. Beth Kern stated that since the zoning officer is an appointed elected official position a Resolution will need to be written to make it effective. Beth Kern this could be handled in 2

MANCHESTER BOROUGH MEETING MINUTES

225 S. MAIN STREET MANCHESTER, PA 17345

August 14, 2023

different ways. One way would be to have Beth Kern to draft the resolution and make it effective as of today's meeting date and it would be signed retroactively or in Beth's opinion the best way would be to prepare the Resolution to appoint Commonwealth Code and have it as an action item on the agenda to appoint them in September. This will allow the cleanup of open items to make a smoother transition. Adam Bowman asked when General Code takes over, would the jobs be completed that were previously open before being handed over from C.S. Davidson Inc. so there are no missed open files during the transition. Beth Kern responded that with her suggestion it would make it

- Adam Bowman amended his previous motion of directly appointing Commonwealth Code as zoning officer to make a motion that the Borough Solicitor draws up a Resolution to appoint the new zoning officer and appointment will be in September. Mike Jackson seconded the motion, and the motion was carried unanimously.
- Johnathan Heilman stated that permits being worked on are in limbo state and these are related to the driveway issue. C.S. Davidson Inc. tried to interpret what the ordinance states for driveways. Recent driveway permit applications have prompted discussions about how to interpret the existing ordinance and potential changes to clarify the ordinance. The issues that are unclear are: What is the maximum width of the driveway and what is the measuring method? The current ordinance states that the maximum width is 18' but the question is to we apply that fully for the whole length of the driveway, or the 18' is within the ROW and then further back go wider. Another interpretation of this from Beth Kern was that some of the driveway areas outside of the ROW that are widened could be called accessory parking areas. What is considered the driveway vs. the accessory parking area? If it is an accessory parking area does this, then allows for a wider parking area. If we are allowing people to make an accessory parking area can this be stone instead of paving? C.S. Davidson Inc. is reading the ordinance as paving is required. However how did the previous zoning officer interpret the ordinance? Mike Jackson asked what is preexisting now could not be enforced it would be grandfathered in? Johnathan Heilman stated that they do not suggest that enforcement would be taken from the past as it would be dependent on how the ordinance was written then. Beth Kern stated if there was an employee or zoning officer of the Borough in the past that gave a permit based on the knowledge that it would just be a crushed stone or gravel as opposed to concrete or paving, it would be unfair to go back 10-15 years later to enforce the ordinance. Adam Bowman stated that if someone wants an extra parking spot, he has no issue with the gravel. Beth Kern stated that if the council is okay with the gravel, then we need to ensure the code is updated to reflect this. Wade Witt suggested reviewing the code for driveway width to ensure we are not missing anything and have to go back and make another change. Beth Kern states to Wade Witt's point, in the zoning code it pulls in drainage and surfacing requirements. It currently states, "All parking areas, parking lots and driveways shall be grated and drained to dispose of all surface water anticipated within the parking complex" There are specific words that sound like they are defying terms and are at odds with one another. Beth Kern also reviewed the specific definitions

MANCHESTER BOROUGH MEETING MINUTES

225 S. MAIN STREET MANCHESTER, PA 17345

August 14, 2023

in the zoning code for parking areas, parking lots and driveways. Beth Kern states it is time to define clearly what the Borough will require.

- Adam Bowman made a motion to bring the code up to date to allow gravel for parking areas. Mike Jackson seconded the motion, and the motion was carried unanimously.

Solicitor's Report:

- July 20th 2023 zoning hearing board update – the zoning board denied both applications in both instances. Beth Kern reviewed the next steps for the remainder of the process. Beth Kern advised that there is a very specified time period process that needs to take place. Patricia Witt stated that 39 N. Main St. came in and refiled and the property owner did become code compliant. C.S. Davidson Inc. did inspect and approved. 111 High St. has not yet come to the Borough. Wade Witt stated that when a permit is issued, and the work is completed there should be an inspection and sign off from the zoning officer. Tiffany Mays asked if there was a section on the permit form for a completion date and sign off? Beth Kern stated there is no current requirement for inspection in the zoning code. If we would like to include this requirement, then the Borough would need to amend their codes to require inspection of all structures.
- Regional Emergency Management Agreement update. A copy of the International Cooperation Agreement is attached to the packet provided by the solicitor. This is the final version. The only update to note is the proposed name for the agency has been changed from Central Northeastern Emergency Management Agency to Northeastern York County Emergency Management Agency. All previous red lines have been accepted by East Manchester Township and Mount Wolf Borough. This final version will be the version that will be taken action on next month via Resolution.
- Continuing to work on these items to make sure that there are no other changes to the solid waste section of the code. Item #4 a draft bidding packet and proposed refuse contract for review at the September or October council meeting. This will ensure that the street cutting, and solid waste are ready for advertising to save costs at the same time. Beth would advise keeping this separate relative to the driveway changes are going to be zoning ordinance changes which are different advertising notices. Tiffany Mays informed during the street cutting and ordinance update it needs to be entered into the ordinance that road closure entails a cost of \$50. Beth Kern stated that this should be included on the form and inform future H.O.P. permit and make this change now. Beth Kern in turn will add to the ordinance change.

President's Report: Wade Witt

- Windsor Township Joint Municipal Traffic Signal Maintenance – Beth Kern reviewed the joint agreement. Wade Witt called East Manchester Township and they are going with Windsor Township as well. There are 3 companies being asked to bid for the Joint Bid are C.M. High, ATS, and Signal Services Inc. Beth Kern stated that in the agreement they proposed, is that the Borough would be joining with other municipalities to get a joint bid on the traffic signal maintenance and repair services. Windsor Township proposed initial responsible agency who will be required to do joint bidding on a rotating basis with Windsor Township being the initial

MANCHESTER BOROUGH MEETING MINUTES

225 S. MAIN STREET MANCHESTER, PA 17345

August 14, 2023

responsible agency. Beth Kern would like the agreement to become more detailed than it currently is. This would include the bid specifications and the form services agreement contract that are not yet known. The term of the intergovernmental agreement is indefinite with the right of any agency to withdraw from the agreement by giving at least 30 days written notice to the participating agencies. With no separate financial responsibility other than entering into the service agreement. Beth Kern also stated that if the Borough does not like with what presented the Borough could provide the 30-day notice with no financial harm. Adam Bowman stated that no matter what, if there is a major storm, they have an agreement with a bigger township they will go to where the biggest traffic flows. Wade Witt provided historical information on 173 S. Main St. at the Musser St. and Main St. traffic signal light. ATS provided a quote for a loop installation for this location.

- A motion was made by Adam Bowman to award ATS with the bid for loop installation at Musser St. and Main St. (173 S. Main St.) Mike Jackson seconded the motion and the motion was carried unanimously.
 - A motion was made by Adam Bowman to adopt Resolution 2023-11 authorizing the intergovernmental cooperation agreement for the joint traffic signal maintenance bid. Mike Stahle seconded the motion and the motion carried unanimously.
- A tree between the Borough and Debbie's Pizza is rotting and damaged and it was suggested by the shop that we remove the tree. Chuck Laudenslager offered to drop the tree if approved. Adam Bowman stated that the Borough needs to make sure it is on Borough property before removing the tree. Then if it is, to take it down for safety reasons.
 - A motion was made by Adam Bowman to remove the dead tree if it is on Borough property. Mike Jackson seconded the motion, and the motion was carried unanimously.
- Hop Frog Printing Company (Hometown Press) thank you letter was received. A copy was placed in the council packets.
- A letter from the Lion's Club was received thanking the Borough for their donation for the newly placed sign.
- Wendy Snyder submitted her resignation to the Borough. Wednesday the 16th of August will be her last day. Wendy Snyder did inform Larry Weirich that she will help train the new treasurer as well as pay the bills and payroll until someone takes over. Wade Witt logged into the indeed website and pulled down the treasurer job description to post on Indeed again. Tiffany Mays stated she has no interest in the treasurer's job and position as well as her own. Adam Bowman stated to email out the treasurer job description and everyone will review. Wade Witt also stated that he reposted the crossing guard job on Indeed as well. Adam Bowman reminded the council that this is why he mentioned in a previous meeting to YCPC that the signal lights should be changed to all red at one time to allow children to pass safely.

Park and Recreation Report: Joseph Paniagua, Wade Witt

MANCHESTER BOROUGH MEETING MINUTES

225 S. MAIN STREET MANCHESTER, PA 17345

August 14, 2023

- Nothing to report

Maintenance/Street Report:

- No monthly report received from the Road Master.

Unfinished Business

- Eagle Fire Co. donation request – Wade Witt said he sent out a letter to Steve Trott President of Eagle Fire Co. stating the Borough would consider giving them a donation during our budget review. Chief Joe Stevens asked why the Borough would consider this donation request considering Union Fire Co. and Eagle Fire Co. have a mutual aide agreement. Chief Joe Stevens also stated that if the Borough was considering sending Eagle Fire Co., then the Borough should look at all of the other fire companies as well.
- SPCA Rate Data sheet was provided to the council. This was for the question regarding the need for the SPCA support in the Borough from Mike Jackson as the July 10, 2023 council meeting. Mike Jackson said he does not see why Borough residents need the SPCA support from the Borough. Patricia Witt explained why it is necessary for our citizens. Wade Witt also explained that there are those who are also less fortunate and need help.
 - A motion was made by Adam Bowman to pay the SPCA annual rate for 2023/2024. Mike Jackson seconded the motion, and the motion was carried unanimously.
- Ehrlich Vegetation Control - Mike Jackson and Wade Witt met to look at the pond to determine if Ehrlich was needed to perform vegetation control. Wade Witt and Mike Jackson along with the inmates (5 guys/4 hours) and they weed whacked the pond area. It was a cost of \$120 to the Borough to have this completed. Mike Jackson suggested that the Borough weed wack the pond once a quarter to keep it under control.
- Employee Handbook – Beth Kern wanted to bring this item back up for discussion as it was about a year ago this was discussed. Does the council want to have discussions for a final version as the new year is right around the corner? Beth Kern suggested for the Borough to think about and consider having an employee annual review process. This will allow the Borough to provide employees with their performance, so everyone knows their expectations. Wade Witt informed the council that we currently do not have an employee review period; however, we need to implement one. This topic has been tabled until the September 11, 2023 council meeting.

New Business

MANCHESTER BOROUGH MEETING MINUTES

225 S. MAIN STREET MANCHESTER, PA 17345

August 14, 2023

- New Newsletter format review – All Council liked the new newsletter and reviewed the final draft that was sent to residents.
- Resolution 2023-10 Intergovernmental Agreement for York County Regional Chesapeake Bay. Beth Kern reviewed with the Council what this document entails.
 - A motion was made by Adam Bowman to adopt Resolution 2023-10 Intergovernmental Agreement for York County Regional Chesapeake Bay Pollutant Reduction Plan. Larry Weirich seconded the motion, and the motion was carried unanimously.
- Resident Letter – Letter has been received twice at the Borough from a resident with no name on the envelope or return address. The letter states there is a pool on High St. that has no fence around it and the resident cannot understand why the Borough does not make the owner of the home place a fence around the pool when there are children running around and it is a safety issue. Wade Witt, Mayor Witt, and Judy Hilliard all have tried to find the pool with no fence and have been unable to locate it. Note this is placed on record that the letter was received, and no violation was found.
- The Ice Cream social was a success. There were a little less than 300 in attendance.
- Junk cars in the Borough. Mike Jackson stated that there are a lot of junk cars in the Borough, and it does not matter if it is a council member or not, it needs to be addressed.
- A secretary raise was recommended by Larry Weirich for \$1 more an hour. Larry Weirich stated that the secretary did not receive a raise at the 90-day mark, and he would like to ask for one for her now. Larry Weirich and Wade Witt both stated that the secretary is doing a good job and they both feel as though it is deserved. There will be no retro pay.
 - A motion was made by Mike Jackson to give the secretary a \$1 an hour effective as of today's date. It was seconded by Mike Stahle and the motion was carried unanimously.

There being no further business a motion for adjournment was made at 09:50 P.M. by Adam Bowman and it was seconded by Mike Jackson. The motion was carried unanimously.