

MANCHESTER BOROUGH MEETING MINUTES

225 S. MAIN STREET MANCHESTER, PA 17345

December 11, 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 by the secretary, and the following officials were present:

Adam Bowman

Mike Jackson

Ryan Neely

Harry Morgan

Mike Stahle

Wade Witt

Larry Weirich

Joseph Paniagua (Absent)

Solicitor Beth Kern

Engineer John Rea

Mayor Patricia Witt

Approval of Agenda/Minutes

- Adam Bowman noted a correction for the council meeting minutes on November 13, 2023. Section - Mayor's report, 4th item - Safety Concerns - 2nd line, "They are crossing the kids correctly" to be changed to "They are crossing the kids incorrectly"
- A motion was made by Adam Bowman to approve the November 13, 2023 minutes as presented. Ryan Neely seconded the motion and the motion carried.

Fire Company: Chief Joe Stevens

- Calls – 23, Estimated loss of \$0, Fire Fighter Injuries 0, and Civilian Injuries 0
- The Shrimp feed was held on 10/01/2023 and just under \$5,800 were raised. President Wade Witt asked if Union Fire Co. hands out free smoke detectors and CO2 meters. Chief Stevens stated they give to those in need. Chief Stevens extended an invitation to all Council Members to tour the Union Fire Department after the Holidays to see the tooling and firetrucks.

Public Comments/Guests:

- Joshua Seitz of 78 S. Main Street, Manchester attended to discuss a violation letter he received from Mayor Patricia Witt regarding his 4 pet chickens and a fence placed without a permit. Joshua asked for clarification from Mayor Patricia Witt to better understand the actions he needs to take to resolve the violations. Mayor Patricia Witt informed Joshua there are no pet chickens or poultry allowed in Manchester Borough, and he also has a 6' fence which a permit was never acquired for. Beth Kern stated that if Mr. Seitz is requesting to be allowed to keep chickens in a zoning district that doesn't allow that use per the zoning code, Mr. Seitz could request a zoning board hearing for a variance to be allowed to keep the chickens. Solicitor Beth Kern also informed Mr. Seitz that making the application and going does not guarantee any positive or negative result.
- Beshore & Koller Inc., and Neal Metzger were present to discuss their modification waiver requests. The waiver request is for a submission of a preliminary subdivision and land development plan, and a submission of a final subdivision and land development plan. Neal Metzger explained that the request would be to not have to do a lot merger plan in addition to the two waivers, as Beshore and Koller are not proposing any buildings and they are not building

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a building over a property line. It will be parking for vehicles for sale and limited employee parking. President Wade Witt stated that in the planning commission meeting it was stated that it was mentioned that there was a plan for Beshore and Koller to meet with an attorney to draw up a letter that stated if the property was ever subdivided or sold certain conditions would be met. The plan presented to the Council is the plan presented/reviewed by the planning commission. Neal Metzger stated it was a detailed permit drawing. Solicitor Beth Kern asked if Beshore and Koller would be open to a recorded document such as a developer's plan for each separate parcel that would indicate the agreement to restrict the use of the property and the sale agreement that was verbally discussed. Beshore and Koller expressed interest in the developer's agreement suggested by Solicitor Beth Kern. Solicitor Beth Kern to initially draft the developer's agreement for parcels. Beshore & Koller agreed to reimburse the Borough for the solicitor's fees in drafting the agreement.

- A motion was made by Adam Bowman to accept Beshore and Koller's development plan and any proper documentation that is needed. It was seconded by Mike Jackson. Ryan Neely opposed the motion.

Treasurer's Report: Harry Morgan

- The General Checking Account (M & T Bank) starting balance was \$518,470.30. Receipts for the month of November 2023 were \$61,055.29, Disbursements were \$77, 758.04 leaving a total of \$501,767.55 in the account. PLGIT General Account \$199.64, PLGIT/Reserve Account \$13,183.45, Reserve Account \$416,991.20 Liquid Fuel Account \$239,951.02, Retirement Escrow Account \$2,375.57, Recreation Fund \$18,839.88, M&T COVID Fund \$157,629.54
- Members 1st Bank Money Market Account \$100,272.94.
 - Adam Bowman motioned to approve the November 2023 account balances as read and presented. Ryan Neely seconded the motion and the motion carried.
 - Ryan Neely motioned to approve and pay the November 2023 bills as read and presented. Mike Jackson seconded the motion and the motion carried.
- The crossing guards have requested that the end of the year payroll to be rolled into one paycheck rather than split pay checks and only a week of pay on the first check on the new year. Beth Kern stated that this could be done with the understanding that a deduction would be made on the following paycheck if work was not performed. The Council collectively approved.

Mayor's Report: Mayor Patricia Witt

- Police report is provided in council packets
- All permits are in

Zoning/Code Violations

- 135 N. Main Street refused 2 certified violation letters. There were 2 first class violation letters sent as well. The chicken coop appears to be removed and or moved as it is not in plain sight. President Wade Witt asked if we the Borough are allowed to do anything with these violations. Solicitor Beth Kern informed that the Borough cannot go onto the citizen's property unless invited by the property owner. The Borough cannot enter the citizen's property, fly a drone over

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the property etc. You must be on a public street or public alley to observe something. Without conclusive proof that the violations have not been resolved it would be a waste of time and energy taking the citizen to the judge for one chicken. As the Borough is the one bringing the complaint, the Borough would have to prove to the judge the section of the code they are violating. At this time there is no action required as there is no direct evidence that they have not complied.

- 111 Cooper Street refused the delivery of the certified violation letter. It is the Council's recommendation for the Borough to have 3rd party landscaping companies to provide quotes cutting back the trees and brush to meet the Borough's ordinance requirements.
 - A motion was made by Mike Jackson to have Solicitor Beth Kern draft the enforcement notice to comply within 15 days for the trimming of the bushes and the trees, as well as informing the property owner that if they do not take the action the Borough will hire a third party and the property owner will be responsible for all the costs incurred by the Borough plus 10% pursuant to the code. The final enforcement notice will be delivered by Mayor Patricia Witt, and 3 quotes will be obtained from a landscaping tree company for preparation of the brush and tree cutback. It was seconded by Ryan Neely and the motion carried.
- 41 Liverpool St. camper violation – There are still signs that the camper has individuals living in the camper. A response to the enforcement letter sent by CGA Law Firm was received by Solicitor Beth Kern. The property owner claims the camper is not being used as a dwelling, and that there are children playing in the camper. Solicitor Beth Kern also states that documented proof is needed to show there are more than children playing in the camper. The property owners did not appeal to the zoning hearing board. Currently there is no conclusive evidence that someone is living in the camper. Until such proof is provided no action can be taken.

Engineer's Report: John Rea

- 2023 Street Maintenance – H&H documentation is completed.
- CDBG Main Street ADA Curb Ramps – Review and finalizing of plans will be submitted to HOP, and project bid specifications will be started for January and planning for a February bid.
- Local Share Statewide Grant – The final estimate was prepared. They do reimburse a percentage of engineering fees based off the percentage cost of the work. They also cover a small portion of the administration fees and allow a 5% contingency on the cost estimate. John Rea asked for a motion to be made to ratify Resolution 2023-16.
 - A motion was made by Mike Jackson to ratify the amendment to resolution 2023-16 amending the monetary value from \$300,000 to \$400,000. It was seconded by Ryan Neely and the motion carried.
- Farm Lane Paving – John Rea did speak with H&H, and H&H respectfully declined this job due to an overload of work. John Rea did request quotes from Gingerich and Stewart & Tate, but both quotes came back more than the \$4,000 NTE. Gingerich did review his quote and he adjusted the quote for \$4,640.00.
 - A motion was made by Ryan Neely to approve the received quote from Gingerich to pave Farm Lane. It was seconded by Larry Weirich and the motion carried.

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- CDBG 2024, 2025, 2026 Grant Funding application – John Rea asked if the council would like C.S. Davidson Inc. to put together the grant application, and if so, what projects would the council like to be completed. The council would like the ADA ramps to be replaced from Manchester Square going North. If funding is available additional signage can be included to be placed at the existing crossing for Park Street and Main Street.
- PA Small Water & Sewer Program – DCED did not make awards on grant applications. Their next meeting is scheduled for January 2024.
- Terry Myers will be retiring from C.S. Davidson Inc. full-time at the end of 2023. Terry Myers worked for C.S. Davidson Inc. for 42 years.
- John Klinedinst will be retiring from C.S. Davidson Inc. at the end of 2023. John worked with C.S. Davidson Inc. for 50 years.

Solicitor's Report:

- Joint Refuse Bid Packet – Final Draft to be ready for review and advertisement authorization at the February 2024 meeting. Solicitor Beth Kern will not be in attendance for the January 2024 reorganizational meeting.
- Employee Handbook Review – President Wade Witt provided an updated version to Solicitor Beth Kern. The review is in process, and when it is provided back as a draft some redline revisions will be provided for legal compliance.
- 207 High Street Manchester Enforcement Notice – The property owner did not accept the certified mail, however there was a letter sent via regular mail. The compliance deadline was to be completed by the end of last week. The junk/debris has been removed, but the pallet fence remains.
 - A motion was made by Ryan Neely to move forward with the civil enforcement action for 207 High St. It was seconded by Mike Jackson and the motion carried.

President's Report: Wade Witt

- Automatic Door - President Wade Witt received a quote from LeFever Electric to furnish and install wire and circuitry to power (2) automatic doors.
 - A motion was made by Ryan Neely to accept the quote for work from LeFever Electric. It was seconded by Mike Jackson and the motion carried.

Park and Recreation Report: Joseph Paniagua, Wade Witt

- Prentice is currently drawing up plans for Manchester Park for new equipment.

Maintenance/Street Report:

- Leaf season is completed and are currently switching over to installing salt boxes on the trucks. They have also started installing the airlines to the different bays.

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New Business

- Citizen Concern for a no turn on red at the Musser St. and Main St. light. Citizen states there have been multiple accidents due to people trying to move up to look to turn right on red. Main St. is a state road and the Borough could only write a letter documenting the incidents and ask the state to consider the no right on red sign. There will be no action on this item. People need to be more cautious.
- Emergency Management – Mike Fischer was appointed by East Manchester Township and Mount Wolf Borough as their emergency management coordinator.
 - A motion was made by Adam Bowman to adopt Resolution 2023-17 Appointing Mike Fischer as the emergency management coordinator for Manchester Borough.
- Traffic Signal Maintenance Bid – The traffic signal maintenance bids are included in the council packets. C.M. High Inc. is the lowest bid out of 4 bids received.
 - A motion was made by Adam Bowman to accept the contract bid with the term of 3 years for C.M. High Inc. It was seconded by Ryan Neely and the motion carried.
- 2024 Proposed Budget – Manchester Borough Council has the proposed budget included in their packets. The budget was advertised by CGA Law Firm.
 - A motion was made by Ryan Neely to accept the proposed 2024 budget. It was seconded by Mike Jackson and the motion carried.
- Resolution 2023-18 Levying a tax. The Manchester Borough Council to reimpose 2.9 millage rate for the Manchester Borough
 - A motion was made by Adam Bowman to reimpose Manchester Borough tax of a 2.9 millage rate. It was seconded by Larry Weirich and the motion carried.
- The Council discussed the 2 unexpired 2-year terms for Manchester Borough. One seat needs to be reappointed and one seat that will be filled by Bradford Price as he was elected in the recent municipal elections for a 2-year term. Tiffany Mays to call the elections office to confirm what seat was filled.

*There being no further business a motion for adjournment at 09:48 P.M. was made by Adam Bowman
2nd Ryan Neely*