

MANCHESTER BOROUGH COUNCIL

March 14, 2022

The Manchester Borough Council meeting was called to order by President Wade Witt. Those attending the meeting were led the Pledge of Allegiance. The following officials were present:

Larry Weirich Ryan Neely Mayor Patricia Witt

Bruce Almoney Joseph Paniagua Adam Bowman

The February 14, 2022, minutes were approved upon the motion of Bruce Almoney and seconded by Ryan Neely. All agreed.

GUESTS –

* Judy Hilliard, Manchester, PA

* Leslie Bott, Manchester, PA

* Dale Benedick, Manchester, PA

* Charles Fleegle, Jr., Manchester, PA – He is asking council to consider placing “yield to pedestrians” sign(s) as well as painting the lines at the crosswalk on the corner(s) of Manchester Street and Main Street.

* Joe Stevens – 19 calls/0 loss – on 2/9, the members completed their annual PA Basic and Advanced Life Support EMS Protocol updates. These updates are mandatory for PA certified EMS personnel to continue to function as freestanding providers. They provided free smoke alarms to area residents as well as hosted free tax preparation for the area senior citizens through the York County Office of Aging. He also mentioned that the Shrimp feed is this coming Sunday the 20th and has sold out. Lastly, he mentioned that there will be another fundraiser (raffle) called Grillin’ & Chillin’ to be held on Sunday May 1st and tickets are \$10/each.

****Entered into executive session from 7:10pm -7:33 pm to discuss personnel. ****

A motion to have the solicitor conduct an investigation of the personnel issues was made by Joseph Paniagua and seconded by Bruce Almoney. All agreed.

Another motion was made to have the solicitor send written notice to **ALL** personnel, advising them that the accused behavior, if true, is not permitted and must be stopped immediately was made by Adam Bowman and seconded by Ryan Neely. All agreed.

TREASURER’S REPORT - Wendy Snyder

The General Checking Account (M & T Bank) balance as of February 1, 2022, was \$253,612.37. Receipts for the month \$83,209.98. Disbursements for the month of February were \$51,648.47 leaving a balance in the checking account of \$285,173.88 at the end of the month. The 2/28/22 balance in the Members First Money Market Account was \$454,071.35 reflecting \$34.83 in interest. The PLGIT Accounts were also reviewed for the month of February. Council approved the financial reports on the motion of Adam Bowman and seconded by Bruce Almoney. All Agreed.

Bills were reviewed for payment that totaled \$41,681.02. A motion to pay bills was made by Adam Bowman and seconded by Larry Weirich. All agreed.

* It was suggested by Larry Weirich that we transfer the ARPA money (\$26,054.00) from general funds back to the ARPA account. A motion to transfer the ARPA money back into the ARPA account was made by Adam Bowman and seconded by Larry Weirich. All agreed.

MAYOR – Patricia Witt

* She asked the solicitor if we are still going to continue the process of taking Borough resident, Tom Star, to the district magistrate. The solicitor mentioned that she received files from the previous solicitor in regard to this and other residents. She is suggesting that they get together and discuss each of the files so that they both are on the same page about what the current status is with each as well as any of the nuisance or ordinance violations.

* She mentioned that there needs to be a planning meeting in April to discuss the residents that have not complied from previous meeting(s) and have the planning committee send out letters asking them to comply before we proceed to the next step.

* She then wanted to inform council that representatives from Rutter's will be going around the Borough for nine (9) days to collect 350 signatures in hopes of placing the purchase of alcohol at the Rutters on Main Street on the ballot for the next election.

* Lastly, she mentioned that per our insurance company, Kochman Insurance Group (KIG), the required age for coverage of a driver for Manchester Borough is twenty-three (23) or higher but recommends the driver be at least twenty-five (25) or over.

ENGINEER'S REPORT – John Rea

* **2022 Street Maintenance** – He met with some of the councilman on March 3rd to review the roads. There were no major findings. Although it has been brought up that there is a dip on S. Hartman Street that was not addressed during the drive around. He asked council what their thoughts were about the tar/chip seal surface application and wanted to know if anyone wants to go look at roads done this way so they can decide if it is the right choice for Borough roads. A meeting was scheduled for Wednesday, March 23rd @ 5:00pm. He also presented a crack sealing contract and provided a request for proposal (RFP) for discussion that will perform street crack sealing in various locations throughout the Borough. After some discussion, council members decided to proceed with the project. A motion to receive quotes for crack sealing was made by Ryan Neely and seconded by Bruce Almoney. All agreed.

- He wanted to briefly discuss Mason Alley and turning this section of roadway back to the adjacent homeowners on both sides. It is just a small section of road that really serves no purpose/benefit for the larger Borough, but something needs to be done to the area. He recommends fixing the pothole and then getting quotes for a driveway sealer to extend the life of the roadway another five to ten years. After some discussion, the topic was tabled until another meeting.

* **Template Stormwater Ordinance** – The five (5) year revolving DEP County MS4 contract is ending, York County is not updating/renewing their Act 167 Planning document, which is what the Borough's current stormwater ordinance is based on. To continue to comply with the MS4 regulations, the Borough has to adopt a stormwater ordinance that is consistent to the DEP 2022 model ordinance. CSD has taken the DEP model ordinance and edited/modified certain sections to better fit the actual need of their clients and typical review process. They will charge a \$500 flat fee, plus T & M for any requested specific modifications for their clients to perform this service. This ordinance needs to be advertised and adopted on/before June 30, 2022.

- ***Manchester Street** – Stream wall underpinning –CSD to hold on work.
- ***Mt. Wolf Village Apartments** – March 2022; no update.
- ***York County CDBG Program Application for 2021, 2022 and 2023** – March 2022; no update.
- ***2019/2020 CDBG Project – East Parkview St** – March 2022 update: reflectors are still on backorder.
- ***Manhaven Manor Stormwater Repairs** – March 2022; no update – still waiting on Gingrich and pleasant weather.
- ***Ordinance Review & Updates** – Reviewed the fee information provided by the mayor. He plans to mark up some comments and share to finalize a new fee schedule.
- ***American Rescue Plan Act (ARPA)** –March 2022; no update. He is going to defer any future business on this item to the solicitor, Beth Kern, of CGA Law Firm.
- ***DCED Grant Opportunity** – Application is due tomorrow, 3/15 and asked if council has any plans to submit for the grant.

SOLICITOR'S REPORT – Beth Kern

- * She wanted to discuss the standard allowance election for the American Rescue Plan Act State and Local Fiscal Recovery Funds (ARPA). She is recommending that the Borough elect the lost revenue standard allowance of ten million dollars to allow the Borough to use all or part of its ARPA Funds for the provision of government services use. Such election needs to be made on the first project and expenditure report to be due on or before April 30, 2022. She has prepared a resolution for the Borough to make the standard allowance election.
- * Next, she wanted to discuss the amended curfew ordinance. The revised ordinance has removed the first offense letter in its entirety, and it was revised to add the requirement of a violator to pay the Borough's attorney's fees. If approved for advertising, then action can be taken by Council to adopt the amendment at the April's meeting. A motion to authorize the solicitor to advertise Ordinance 2022-1 amending the Borough's curfew code was made by Ryan Neely and seconded by Adam Bowman. All agreed.
- * She then wanted to discuss the Zoning and Codes Officer for the Borough. It was noticed that after the retirement of the previous Borough secretary the mayor has taken over the duties of the Codes Officer. According to Borough Code and the Manchester Planning Commission (MPC) a mayor cannot hold the appointed positions/offices of the Zoning/Codes Officer but states that a mayor has the duty to enforce the ordinances and regulations of the Borough. Due to this she recommends passing a resolution that the mayor will be conducting Code enforcement under the explicit duty to do so provided by the Borough Code. And any Zoning Ordinance enforcement should come from the appointed Zoning Officer, Commonwealth Code. However, anytime the road if the Borough decides to hire a codes and zoning officer, they can but they will work along of the mayor and the mayor will oversee them. Council agrees and she will move forward with that course of action and draft up a Resolution and present it at next month's meeting.
- * Lastly, she wanted to discuss the pending Right-to-Know and designation of the Borough Open Records Officer. She said that she has drafted a response to be printed on Borough letterhead and needs to be sent by the Borough's Open Records Officer (ORO). She mentioned that the ORO role is usually conducted by either the Borough's treasurer or secretary (person in this role typically is performing administrative functions) and council will need to appoint someone to be the Borough's Open Records Officer. A motion to appoint the Borough secretary as the Borough's Open Records Officer was made by Adam Bowman and seconded by Ryan Neely. All agreed.

MAINTENANCE REPORT - Gary Cardasso (Wade Witt in Gary's absence)

*Gary wanted to address council on what they would like to do with Truck #1. After some discussion, it was decided by council that they will sell the truck. A motion to sell Truck #1 and accept bids was made by Ryan Neely and seconded by Adam Bowman. All agreed.

*He mentioned that Truck #6 is going to MJR for adjustments, repairs and modifications and Truck #3 & #4 were inspected. And maintenance equipment (lawn mowers, etc.) were serviced and ready for mowing season.

*He also mentioned that he will need to purchase street signs (not poles) and is looking at prices for the Farm Lane development.

*Lastly, he mentioned that Gary suggested paying off the new truck (#6) with either the general funds or the ARPA funds and not tap into our liquid fuels account. Per solicitor, if the truck was purchased before March 3, 2021, she gives the conservative advise that it is not worth the possible audit and triple payback of the payoff from using those funds to pay off the truck but if it was after March 3, 2021, she thinks we can comfortably use the funds to pay off the truck because it was purchased after the March 3rd date. But she has been advising municipalities that when you have a use for the funds that is questionable and you have other projects that are not, you are better off acting on using the money for the projects that are not questionable.

PARK/RECREATION REPORT – Wade Witt & Joseph Paniagua

* Wade mentioned that they will be raising the rental fee for the recreation building from \$100 to \$150 effective April 1st and now making the \$50 deposit non-refundable.

*He then mentioned that they have been in contact with Ann Yost from YSM Landscape Architects on preparing a wish list (master plan) for the Manchester Community Park. Unfortunately, her plans will not make it in time for the DCED gaming grants deadline tomorrow, but she ensures them that there are other grants out there to apply for. Wade also suggested the use of the ARPA funds as well.

MISCELLANEOUS REPORT

*Resolution 2022-3 – A Resolution Amending Manchester Borough's Comprehensive Plan by Adopting the I-83 Land Use Plan for Exit 26. A motion to approve Resolution 2022-3 was made by Bruce Almone and seconded by Adam Bowman. All agreed.

*Resolution 2022-4 - A Resolution to submit an application to the Commonwealth Financing Authority for gaming grant. A motion to approve Resolution 2022-4 (along with the \$100 nonrefundable fee to be paid electronically by Borough credit card) was made by Joseph Paniagua and seconded Bruce Almone. Majority agreed, except for Adam Bowman who opposed and Ryan Neely who abstained from voting.

*Resolution 2022-5 – A Resolution electing the standard allowance of ten million dollars in revenue loss for the purposes of the American Rescue Plan Act (ARPA) of 2021 State and Local fiscal recovery funds use and reporting. A motion to approve Resolution 2022-5 was made by Joseph Paniagua and seconded by Adam Bowman. All agreed.

*Larry suggested giving the Borough crossing guards a \$2.00/hr. pay increase (the increase will be paid by the Borough and not by the school district). The increase will take effect starting April. A motion to increase the crossing guards pay by \$2.00/hr. was made by Ryan Neely and seconded by Joseph Paniagua. All agreed.

A motion to adjourn at 9: 25PM was made by Adam Bowman and seconded by Ryan Neely. All agreed.

Respectfully submitted,
Mari Strayer