

MANCHESTER BOROUGH MEETING MINUTES

225 S. MAIN STREET MANCHESTER, PA 17345

October 09, 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
Wendy Snyder
Mike Stahle

Wade Witt
Larry Weirich
Joseph Paniagua
Solicitor Beth Kern
Engineer John Rea
Mayor Patricia Witt

- President Wade Witt asked for an amendment the October 09, 2023 agenda to include YCPC CDBG Contract.
 - A motion was made by Ryan Neely to include the YCPC CDBG Contract. It was seconded by Mike Jackson and the motion carried.
- The personnel committee recommends Harry Morgan for the Manchester Borough treasurer position for 15 hours/week and \$15/hr.
 - A motion was made by Ryan Neely to hire Harry Morgan per the personnel committee's recommendation. It was seconded by Mike Stahle and the motion carried.

Approval of Agenda/Minutes

- John Rea submitted changes throughout the engineer's report for the September 11, 2023 meeting minutes.
- A motion was made by Adam Bowman to approve the September 11, 2023 minutes with the submitted changes. Mike Jackson seconded the motion and the motion carried.

Fire Company: Chief Joe Stevens

- Calls – 40
- Loss - \$260,000
- Injuries – 0
- Union Fire Co. 23 held their Shrimp Feed on October 1st, 2023.

Public Comments/Guests:

- Harry Morgan was in attendance
- Rebecca Gewertz of 105 York St. Manchester, attended to ask the Council for a special exception to take her mother's 2 dogs in her home with her other 4 dogs. This would total 6 pets in the home. The request for a special exception is due to her mother being ill. Rebecca is asked to write a letter of request to Borough Council for approval at the November 13, 2023 meeting, however if an emergency should happen, Rebecca has the Council's temporary approval to home the dogs. Ryan Neely asked the age of the pugs. Rebecca stated that their ages are 13, and 14, and have a good quality of life. Solicitor Beth Kern asked for the makeup of the primary

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pets in the residence. Rebecca Gewertz stated they are all Labrador Retrievers, and her family works closely with their vet Shiloh Vet Clinic. Beth Kern recommended the owners verbal request be placed on the agenda for November 13, 2023 council meeting so a formal decision can be made at that time. This also provides notice to the citizens on Manchester Borough so they may attend if they have concern on the matter. President Wade Witt stated that we will place it on the November 13, 2023 agenda and the agenda will be posted 3 days prior to the meeting to give more notice. It was noted that no enforcement action will be taken if the need arises to take in the dogs due to an emergency. However, a formal decision will still need to be made by the council in November. There was a general consensus throughout the council in agreement.

- Simon Schilling from Commonwealth Code was present to discuss fees accessed by Commonwealth Code. Mayor Patricia Witt stated she received 2 different bills from Commonwealth Code. One is for zoning at a cost of \$195.00 and the other is for the plan and is a cost of \$169.50. Mayor Patricia Witt called Simon Schilling directly and she was informed that the residents pay for all of these fees. President Wade Witt asked Simon Schilling if it is normal to have 2 inspections. One for Commonwealth Code and one for zoning for Manchester Borough. Simon Schilling stated that it is normal for Commonwealth Code. For zoning they typically charge for 2 inspections. A stake out which makes sure they are going to do what is stated on the plan, and then a final inspection to make sure they actually followed the plan when completed. Commonwealth Code has a set fee for inspections. They feel that if a resident is applying for the permit, they in turn should be responsible for those fees. Beth Kern asked if an itemized list for the Commonwealth Code fee schedule could be provided. Currently Manchester Borough's fee schedule does not allow the Borough to recoup 100% of Commonwealth's fee schedule. A resolution will be drafted by Tiffany Mays for the next council meeting to present and potentially be adopted by the council. The resolution will include all itemized fees as well as all levels of inspection for Commonwealth Code and the current Manchester Borough fee schedule. The old fee schedule will govern until such action is taken at the November council meeting. Simon Schilling asked when the council voted for Commonwealth Code to be the zoning officer, did they not approve the fee schedule? President Wade Witt stated the fee schedule was not approved but the motion to approve Commonwealth Code as the zoning officer was completed. Simon Schilling asked how the 2 permits that he has issued for the Borough will be handled as for billing. Beth Kern stated that the Borough will only be able to get from the property owner what is currently on the fee resolution. Simon Schilling said that due to the Borough not receiving the proper information before, he will be waiving the zoning fees for the 2 permits that are open.
- Kim Perone stated that she attended the Manchester Ice Cream Social on August 06, 2023 and very much enjoyed it as well as she enjoyed the door prize raffle, and music.

Treasurer's Report: Wendy Snyder

- The General Checking Account (M & T Bank) starting balance was \$567,914.75. Receipts for the month of September 2023 were \$48,815.67, Disbursements were \$47,792.74 leaving a total of \$568,937.68 in the account. PLGIT General Account \$197.92, PLGIT/Reserve Account

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\$13,067.96, Reserve Account \$413,409.35, Liquid Fuel Account \$237,889.90, Retirement Escrow Account \$2,355.16, Recreation Fund \$18,678.05, M&T COVID Fund \$157,303.88

- Members 1st Bank Money Market Account \$100,243.17. The ACH accounts were reviewed as follows: Rutter's Fuel \$00.00, Sheetz \$200.41, Met-Ed \$2882.49, Columbia Gas \$00.00, and Comcast \$194.22.
 - Adam Bowman motioned to approve the September 2023 account balances as read and presented. Larry Weirich seconded the motion and the motion carried.
 - Adam Bowman motioned to approve and pay the September 2023 bills as read and presented. Mike Jackson seconded the motion and the motion carried.

Mayor's Report: Mayor Patricia Witt

- Police report was provided in council packets.
- The new crossing guard was hired, and she is doing a good job. We will need a backup just in case she takes off. An application was received from Robert Peters to work 1-2 hours a day and this would be a good fit for the hours needed. President Wade Witt elaborated and stated that we are having manning issues for leaf season. The road crew supervisor asked for 1-2 people to help during leaf season. President Wade Witt stated this is in the planning stage and he will get this information together and bring it to council.

Zoning/Code Violations

- 120 High Street - A notice of violation was sent on 09/13/2023 and there has been no response or action. This is a reoccurring issue. The bushes and grass are waist high. The options available to handle the violation are a second enforcement notice, self-abatement by the Borough, or take the resident to the magistrate office. President Wade Witt said that in his feels as though we owe it to the residents to send them the notice of enforcement letter, and document it, if no response then a second enforcement letter referencing the first letter and the next steps to go to the magistrate, and if they do not respond then take them to the magistrate.
 - A motion was made by Ryan Neely to send a certified letter of enforcement to the residents of 120 High Street. It was seconded by Mike Jackson and the motion carried.
- 207 High Street – Pallet fence. The resident did not come in for a permit as requested. An enforcement notice was sent on 04/20/2023.
- 41 Liverpool St. – Living in a camper on the property. There has been no response or change. An enforcement notice was sent on 05/24/2023.
- 111 Cooper St. –The bushes, grass, and junk have not been removed. The notice of enforcement was sent 07/24/2023.
 - A motion was made by Adam Bowman to send a certified letter of enforcement to the residents of 111 Cooper Street. It was seconded by Ryan Neely and the motion carried.
- 34 Fenwick Dr. – Junk vehicle, several piles of pallets, and construction materials. There has been no response or change. The notice of enforcement was sent on July 12, 2023.

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Engineer's Report: John Rea

- 201 Edgeboro Drive – Submitted an appropriate permit for location of their shed on their property. John Rea to visit the site location to make sure it was placed in the proper place.
- 18 Barberry Court – Operation home business with no permit. The homeowner reached out to C.S. Davidson Inc. stating there is no business being operated out of his home. John Rea stated that after some research there has been no active business license for YorkCo Roofing. There has also been no indication that there would be business at this particular address. Beth Kern stated they could be operating the business as a sole proprietor. Beth Kern suggested tracking the activity to the home.
- 2023 Street Maintenance (0965.4.01.57) H&H completed paving on Manhaven Dr. Paving work on Boxwood, Cherry Alley, and Gross Alley scheduled for next week 10/10/2023, but currently they are marked out. H&H also filled in some of the divot on the Main Street side of the manhole.
- CDBG Main Street ADA Curb Ramps (0965.4.65.00) Manchester Borough received the contract for the CDBG ADA Curb Ramps. C.S. Davidson Inc. will continue to work on the H.O.P submission.
- NEYCSWA Sewer Inspections for sump pumps. John Rea stated if a letter was received, please reach out to them to schedule the inspection and get it completed.
- Miscellaneous items – Grant Opportunity for the Local Share Statewide Program. Due November 30, 2023. Municipalities are eligible. There is a no match requirement. \$25,000 to \$1,000,000 for a project allowed. These are any projects within the public interest. Open ideas from previous council meeting discussions are Liverpool St., the stream at the bottom of Manchester St., improving the rest of Gross Alley to become eligible for the Liquid Fuels register. Manchester St. is not in the best of the shape, but we could reclaim Manchester St. from the Borough line to Main St. and submit for the grant to cover the fee. If successful, the whole street would be paved and not just in patches. Adam Bowman stated East Manchester Twp will be redoing their side of Manchester St. and, the council should consider going in with them on the project. This would help us become eligible for the grant. A cost estimate for the project will be required for the application.
 - A motion was made by Adam Bowman to proceed with the Local Share Account Statewide Grant Submission for the Manchester St. project. It was seconded by Mike Stahle and the motion carried.
- PA Small Water & Sewer Program – DCED Grant Funding (0965.5.10.04) DCED Did not discuss or make awards on grant applications at their September meeting. They have not been able to take any action as they do not have a quorum. Ryan Neely asked John Rea about Farm Lane. John Rea informed that next year's maintenance paving will address and fix Farm Lane.

Solicitor's Report:

- Joint Refuse and Recycling Bid Packet Draft – The packet was reviewed by Beth Kern to the council. The proposed legal notice would target an advertisement in December 2023 for a

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January 2024 submission and a February 2024 bid reward. Beth Kern asked the council to please review the draft packet and make any noted questions or suggested changes to bring to the next council meeting on November 13, 2023. Beth Kern stated that there will be more time given to enter into a contract. Previously there were 10 days to enter into a contract, however this time they will be given 20 days to enter into a contract. This ensures that the contract has all the terms and provisions. It also gives the opportunity to update the Borough code along with other updates that are currently waiting. Beth Kern proposed that other sections of the solid waste code, which are very specific, to be pulled back to be a more general reference to the contract with the approved collector that is awarded through the bidding process. Ryan Neely asked Beth Kern if this contract is for a once weekly collection. Beth Kern confirmed that it is a once weekly collection. Adam Bowman suggested that a mass mis collection be entered and defined into the contract for the refuse collection.

- Templates for Zoning and Codes Enforcement were included into the council packets. Beth Kern reviewed both drafted templates for the council. The zoning enforcement template is a proposed template that complies with the MPC. It is very important that the template complies with the MPC so if a homeowner appeals an enforcement notice to the zoning hearing board, and states that it was deficient to the MPC requirements, they win, and the Borough would have to pay back the money that they paid to file the zoning hearing application to hear that appeal. The code notice is similar to the zoning notice, but it is different in that it references parts of the code. There is also an opportunity to give the citizens the right to appeal to come to the council and have a conversation regarding the violation. President Wade Witt asked what we can say to the property owner when they call asking why we have their address listed and they did not receive the letter due to it being delivered to the wrong address. Beth Kern stated that we can reply with "We've noticed a concern about your property. Inform them that the council is discussing possible next steps under enforcement of the Borough Codes regarding their property. Invite them to the public meeting to have a discussion with the council at that time. Adam Bowman asked if a motion was needed to authorize the use of the Zoning and Codes Enforcement templates. Beth Kern suggested if no changes need to be made then if council chooses a motion can be made. An action will be placed on the November 2023 Agenda authorizing the use of the templates.
- Ordinance to amend driveway width and parking area paving requirements, and update on proposed ordinance to amend street cutting/degradation and solid waste sections of the code and in process being drafted. Beth Kern stated after the Solid Waste Joint Refuse Bidding comments have been received, and final changes made, this will go along with the drafts for the ordinance to amend driveway width and parking, and the ordinance for street cutting in December 2023.

President's Report: Wade Witt

- Preliminary budget – A copy was provided to all the council members and reviewed. President Wade Witt asked that each council member review the budget and make notations on it for the November meeting. President Wade Witt stated that for an example the street personnel are way over budget. The committee held a conference with the road crew supervisor to get it back

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on track. Beth Kern recommended that there is an opportunity to not have two meetings in December. As presented with the drafted budget tonight in October 2023, there could be a finalized proposed budget in November 2023, for consideration and then could be advertised as the proposed budget 30 days in advance of the adoption of the budget. This could be done at the December 2023 meeting so there is no second meeting required. President Wade Witt stated that he would work diligently to get this completed for the following council meeting in November 2023.

- Musser/Main St. Loop installation is completed and working.
- Quotes from Gettle were provided to the council members. The first quote for \$1,200 is for the smoke detectors to be transitioned to heat detectors in the Main Building located at 225 S. Main St. The second quote is for \$800 at 96 Liverpool St. recreation center for an antenna to keep the cell phones consistently connected with the call center.
 - A motion was made by Adam Bowman to approve Gettle to fix both locations per the quotes, and to use the COVID funds. It was seconded by Ryan Neely and the motion carried.
- Knox boxes are installed on both buildings. Curtis Walters did a nice job installing them.
- The main entrance and the ADA entrance – this is still in process. President Wade Witt to look into getting quotes for the November 2023 council meeting. Josepha Paniagua asked how much the cost of the mechanism will be. President Wade Witt stated it is about \$1,200, but the door will need to be replaced and widened and that will be a separate cost. Adam Bowman noted that if quotes are being received for the front door the other exit door will also need to be quoted to become ADA compliant.

Park and Recreation Report: Joseph Paniagua, Wade Witt

- Nothing to report

Maintenance/Street Report:

- No updates for council

Unfinished Business

- Action to Ratify Resolution 2023-14 – Upon review of the LSA grant application packet for the bucket truck it was determined there was a Resolution component that was offered to be filled out. This is on the agenda to ratify the formal action that was taken last month of approving the submission of the grant application.
 - A motion was made by Ryan Neely to ratify Resolution 2023-14. It was seconded by Mike Jackson and the motion carried.
- Junk Vehicles throughout the Borough is an ongoing process to eliminate. Mike Jackson stated he has had multiple complaints that residents of the Borough are cited for junk vehicles on their property however, it appears as though the Borough council do not get cited. Mike Jackson stated he informed the residents that they are free to attend the council meetings to address council on the matter. Ryan Neely asked who sends the notice of violations to the residents for junk vehicles, and Mayor Patricia Witt informed it was her. Ryan Neely stated that his neighbor

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has a junk vehicle beside their home. Ryan Neely stated he will send the address to Tiffany Mays so this can be reviewed.

- Larry Weirich informed council that Gohn and Stambaugh, and an HVAC representative from Lancaster was in the office this morning, and they determined that there was not enough air flow. They will be scheduling to come back in and put a 3" pipe in to improve the flow and make the furnace work properly. The date and time are unknown when they will be in at this time for repair.
- Mayor Patricia Witt noted council the Halloween Parade will be held on October 15, 2023 and Christmas at the Square will be held on December 3rd, 2023. Mayor Patricia Witt will be reaching out to the tent guy to plan set up for the Women of Today during the Christmas at the Square event.

New Business

- Unclaimed property – \$976.34 was received for 134 High St. on 09/22/23. When the home was up for sale it was found that the Borough was overcharging for land that wasn't part of it, and it was approved by Council to refund the money however there was nobody to receive it.
- Tiffany Mays has two upcoming training courses for PSAB that she would like approval for. The first class is Preparing for new Council and the second class is for Stormwater Mgmt. in two sessions.
 - A motion was made by Adam Bowman to approve the cost of the classes. It was seconded by Joseph Paniagua and the motion carried.
- YCPC CDBG ADA Ramp Contract was received and needs to be signed with the approval of the council for execution. John Rea asked if we would please review to ensure that the costs match the application.
 - A motion was made by Adam Bowman to sign the YCPC CDBG ADA Ramp Contract. It was seconded by Larry Weirich and the motion carried.

Executive Session was entered into at 9:19 P.M. and was exited at 9:25 P.M.

***There being no further business a motion for adjournment at 09:25 P.M. was made by Adam Bowman
2nd Joseph Paniagua***