

MANCHESTER BOROUGH MEETING MINUTES

225 S. MAIN STREET MANCHESTER, PA 17345

September 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, 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

Approval of Agenda/Minutes

- Wade Witt noted that on page 2 of August 2023 meeting minutes, the second bullet, first item, the wording to be changed to no donation. Beth Kern suggested that it read “The Borough does not desire to give WellSpan a donation”
 - A motion was made by Adam Bowman to amend the August 2023 minutes. Ryan Neely seconded the motion and the motion carried.
- Wade Witt asked for a moment of silence to honor the 9/11 emergency responders. The council took a moment of silence.

Public Comments/Guests:

- Harry Morgan – Treasurer candidate was in attendance.
- A resume was received for Ashely Moats to be the new crossing guard. The personnel committee recommends her as the new crossing guard.
 - A motion to amend the September 11, 2023 agenda to include hiring Ashley Moats as crossing guard was made by Joseph Paniagua and it was seconded by Larry Weirich.
 - A motion to hire Ashley Moats as a crossing guard was made by Mike Stahle. It was seconded by Larry Weirich and the motion carried.

Fire Company: Chief Joe Stevens

- Unable to attend due to the 9/11 Service at Manchester Square. Report provided to council.

Treasurer’s Report: Wendy Snyder

- The General Checking Account (M & T Bank) starting balance was \$562,406.15. Receipts for the month of August 2023 were \$80,763.88, Disbursements were \$75,255.28 leaving a total of \$567,914.75 in the account. Members 1st Bank Money Market Account \$454,319.58. The ACH accounts were reviewed as follows: Rutter’s Fuel \$00.00, Sheetz \$181.44, Met-Ed \$2898.46, Columbia Gas\$ 00.00, and Comcast \$193.55. The PLIGIT accounts were also reviewed for the month of August 2023. Joseph Paniagua asked Wendy to repeat the PLIGIT/RESERVE ACCOUNT. The bills, including payroll for the month of September thus far are \$41,950.78.

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- Ryan Neely motioned to approve the August 2023 account balances as read and presented. Mike Stahle seconded the motion and the motion carried.
- Ryan Neely motioned to approve and pay the August 2023 bills as read and presented. Larry Weirich seconded the motion and the motion carried.

Mayor's Report: Patricia Witt

- Police activity report included in council packets
- Police protection units review was also provided by Chief Rizzo for the council's review. The PPU's will remain the same for 2024.

Engineer's Report: John Rea

- 2023 Street Maintenance (0965.4.01.57) PennDOT stated that if there is 1' off the transition between the pavement there is no H.O.P required. C.S. Davidson Inc. withdrew the H.O.P. per PennDOT's direction. H&H to let John Rea know when they are ready to schedule.
- CDBG Main Street ADA Curb Ramps (0965.4.65.00) John Rea did reach out to the planning commission to get an understanding on when the contracts will come in. The Borough should receive the draft contract agreement for the funds soon. The next 3 year-round CDBG project money should be opening up soon. As of now they are running later than usual. John Rea suggested keeping in mind and thinking of what the Borough would like to apply for, for the next 3 years. John Rea to send Tiffany a link to identify what types of projects that the CDBG grant will cover.
- Liverpool Street Stormwater (0965.5.23.00) Drawings are underway and will be provided for review when completed. The only other step for C.S. Davidson Inc. is to submit for a Pennsylvania National Diversity Index (PNDI) search, and wetlands. This will let C.S. Davidson Inc. know if there are any protected animals where permits may be required in the future so there are no surprises. Wade Witt asked if C.S. Davison Inc. were able to find the correct boxes to put in? John Rea stated they are going to be standard inlet boxes that are slightly deeper.
- PA Small Water & Sewer Program (0965.5.10.04) The next meeting is scheduled for September 19, 2023. It is hoped that they will discuss the grant funding at that meeting. If it is not, the next meeting will not be until November 2023.
- Mt. Wolf Village Apartments (0965.3.13.12) Patricia Witt requested John Rea to check on the condition of Plane Tree Avenue. John Rea visited the location and noted that there is some notable damage that has taken place from the construction of Emerson Flatts by Inch & Co. C.S. Davidson Inc. to provide a letter to Inch & Co. to ask where they are in their process, and give notice that damage is seen. The intent of the letter is to have Inch & Co. acknowledge the damage and hold up to their end of the deal to provide repairs.
- Miscellaneous Items – Grant opportunities
 - York Local Share Account - Infrastructure improvements and large equipment. Tiffany Mays provided information on this grant to each member in their packets. John Rea stated options are the 2 pieces of large equipment discussed at previous meetings as well as the repairs on Liverpool, the inlet on Plane Tree that is damaged and needs repaired, and the stream under Manchester Street that the retaining wall on the side

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has had estimates for repair for a future project. Applications are due September 30, 2023. Joseph Paniagua recommends applying for the grant for the purchase of a new bucket truck. Wade Witt stated there are annual inspections that will need completed, and the Borough will need to ensure this is completed, but the cost is unknown. Tiffany Mays asked what the priority is for the grant, or can we apply for multiple items for this grant? John Rea stated that it is highly unlikely to get approved for more than one submission of the grant. This grant has the opportunity to become an annual grant. A quote from Stetler Dodge was provided to the Council for a new Bucket Truck. Wade Witt suggested that the potential bucket truck serve as a Borough utility truck. Adam Bowman stated the Borough should spec out of what they actually want and not buy a bucket truck based off of one quote. Adam Bowman stated that his vote is for Manchester Street to be completed. Mike Jackson is to provide at least one more quote for a bucket truck by the end of the week. John Rea stated that C.S. Davidson Inc. could support the grant submission if needed.

- A motion was made by Mike Jackson to authorize Tiffany Mays to apply for the Local Share Grant for a Bucket Truck. It was seconded by Joseph Paniagua. Adam Bowman and Mike Stahle opposed the motion. The motion was made on a 5-2 vote.
- York County Open Space – Marcellus Shale – Recreation Development. This grant is for money that the gas companies have provided to the state for all of their drilling done in Pennsylvania. It is strictly for recreation development or open space only. It is a \$40,000 grant. Applications are due September 30th. This is anticipated to be an annual grant opportunity. Wade Witt asked are there any stipulations to this grant? One of the prior stipulations for grants as such is a 25-year lease. However, the Borough only has a 5-year lease for the park. John Rea to follow up on this question for the length of term. Wade Witt stated he could speak with Dave Miller regarding the lease length of term and agreement. Wade Witt does have the drawing and the equipment list, but he does not have the price for the equipment. Wade Witt will provide John Rea with this information so he can develop something. John Rea stated there are more programs coming and opening up to parks, recreation and open space. This would cover design and engineering planning.
- A Zoning Activity Report was provided to the council for review. During the transition to the new zoning officer, C.S. Davidson Inc. will meet with them. Patricia Witt stated from the list provided that the pig in the back yard issue was still open, Barberry Ct. operating a home business with no permit is still open, 231 Edgeboro driveway constructed without a permit has been approved, 301 York Street driveway permit has been approved, 455 Crossing Way deck permit is pending, 201 Edgeboro Shed permit is pending, and 207 High Street put up black painted pallets making it into a fence and is pending, 41 South Liverpool St. living in camper on property is still pending. Patricia Witt stated the only thing she does not see on the zoning report would be the chicken issue at 230 S. Main St. Beth Kern stated the report of the violations should be shared before the meeting and the individual addresses placed on the agenda. Wade Witt elaborated on 201 Edgeboro Drive shed placed in stormwater drainage easement and sanitary sewer easement,

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and this issue takes priority to handle and not left open as the homeowners are not taking action to resolve the issue. This shed was placed illegally. Beth Kern stated that individual properties be addressed, and a recommendation be made by council for the formal enforcement notice to be sent to the homeowners by Beth Kern through a motion.

- John Rea reviewed the following addresses for recommendation for formal enforcement notice to be sent to comply with Borough Code requirements.
 - 207 High Street – Junk in yard and fence without a permit. There have been pallets painted and stood up pallets across the front of the porch and extending across creating a barrier presenting as a fence. A warning letter was sent on 04/20/2023. There has been no formal rebuttal that the pallets are for decoration or gardening, and not a fence.
 - A motion was made by Ryan Neely authorizing the zoning officer to send a notice of violation to 207 High Street. Mike Jackson seconded the motion and the motion carried.
 - 41 S. Liverpool St. – Living in camper on property (Relatives). A warning letter was sent on 05/26/2023. There has been no interaction from the owner of the property.
 - A motion was made by Mike Jackson authorizing the zoning officer to send a notice of violation to 41 S. Liverpool St. Ryan Neely seconded the motion and the motion carried.
 - 201 Edgeboro Drive – Shed placed without a permit. The property owner’s rear yard has a stormwater and sewer easement through it. A letter was sent notifying the owner that a permit is required. The property owner did apply for the permit. The permit was denied by C.S. Davidson Inc., and they reviewed with the property owner the allowable places for the placement of the shed. The property owner has since moved the shed, but not in a permissible location as discussed. The current permit will be denied as it is not satisfactory where the shed has been placed.
 - 18 Barberry Ct. – Operating home business without a permit (YorkCo Roofing). A warning letter was sent on 06/28/2023. No response to date. C.S. Davidson Inc. recommends a notice of violation.
 - A motion was made by Ryan Neely authorizing the zoning officer to send a notice of violation to 18 Barberry Ct. Mike Jackson seconded the motion and the motion carried.

Solicitor’s Report:

- 35 S. Liverpool St. Update – The property owner has removed the dangerous structure therefore no further action is required.
- Zoning and Code Enforcement Templates Update – Currently these are in process. Beth Kern to expedite their completion and send them to the Borough Office.
- Regional Emergency Management Agency Agreement Update – This item was placed on new business of the agenda as Resolution 2023-12. This resolution will authorize the intergovernmental cooperation agreement for the new emergency management agency. The only change is the change of the name to Northeastern York County to set it apart from the

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prior name. It is Beth Kern's understanding that Mt. Wolf Borough as well as East Manchester Township have this list on their agenda for their upcoming meetings to review and authorize the signing of the agreement. Wade Witt noted that he read East Manchester Townships minutes he noticed it mentioned about changing the amount of people on the board. Beth Kern stated that it was not relayed to her from the East Manchester Township solicitor.

- A motion was made by Ryan Neely to authorize the signing of the Emergency Management Agreement. It was seconded by Mike Stahle, and the motion was carried unanimously.
- Updates on proposed ordinance to amend street cutting and degradation solid waste sections of the code are still ongoing.
- Updates on proposed ordinance to amend driveway width and parking area paving requirements in zoning section of the code are ongoing. Beth stated that if there are more zoning code updates potentially coming in to be amended, she would advise that the more sections submitted for one ordinance this will lessen the county review and advertising process.
- Keeping of animals and pet section of the code – There has been an increase within the past month of wild animals in the Borough. Currently under the code these animals could be alleged to be either a pet or not by the property owner. There are 2 properties with notable concerns. 1 property that is keeping chickens and ducks in the back yard and to the Borough's knowledge not in a coop or an enclosure. Beth Kern then reviewed with the council the current interpretation of the Borough Code for Animals. Beth Kern states there is a lot of inconsistency and ambiguity amongst the different sections of the Code. The second property of concern is a property that keeps pigeons on the property. The pigeons are kept in an enclosure; however, the pigeons are being allowed to be released by the property owners and are trained to return. The neighbors are complaining that while the pigeons are out flying, they are leaving excrement all over neighboring properties and homes. Beth Kern also stated that there are interesting issues currently and there are specific sections of the Borough Code that don't specifically address them. Keeping of chicken's ordinance specifically may be required to allow more strict parameters. Wade Witt stated that the way he interpreted the zoning map is a general use only for keeping chickens. Beth Kern suggested that before notice be given to the citizen, a discussion should be had if this is the item to be regulated to be kept out of every zone of the municipality or allow citizens to have chickens with tighter restrictions. Beth Kern also recommended that if the intent is to keep chickens in the general use zone, to make amendments to the zoning ordinance to make it clearer instead of allowing the animal husbandry definition which could be ambiguous. The issue is bigger than just chickens and ducks. It needs to be clear which animals can and cannot be kept in the Borough and that needs to be updated, if necessary, in the zoning and Borough codes. Wade Witt stated his opinion would be to not allow chickens in the Borough except for the general use area as it is already stated. Mike Jackson stated he does not want chickens in the Borough at all. Wade Witt informed Beth Kern that the council will entertain ideas at the next council meeting. Beth Kern stated that if the general thought process is staying with the chickens be allowed in the general use zoning area only, that an action item of 230 S. Main St. be sent a notice of violation advising that they are in violation of the code and the zoning ordinance for their keeping of the chickens and ducks.

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- A motion was made by Mike Jackson authorizing the zoning officer to send a notice of violation to 230 S. Main St. Mike Stahle seconded the motion and the motion carried.
- Patricia Witt asked Beth Kern how the pigeons' situations would be handled. Beth Kern stated that she interprets pigeons as birds and birds can be pets. Patricia Witt stated then if it is pets you are only allowed 4. Beth Kern stated she is unsure of how we could practically determine if it is those specific pigeons defecating on the neighboring homes. There is no actual proof such as picture to show this. Beth Kern stated the Borough could start by sending a soft warning letter to the property owner regarding the pigeons running at large in the Borough. Beth Kern to draft the warning letter to the pigeon owners and submit to the Borough with the templates for violations.

President's Report: Wade Witt

- Knox box recommendation – There have been 2 false alarms within the last month at the Borough. The fire company was ready to tear open the garage doors as they did not have time to access the key box by putting in a code. Chief Joe Stevens suggested that the Borough purchase a Knox box for the Borough office building and the recreational center. Each Knox box will cost around \$487.00. It was agreed by the council to purchase the Knox boxes. Wade Witt stated that the false first alarm that went off was the smoke sensor in Bay 1, and the second false alarm was in bay 2 due to a smoke detector. Gettle recommends switching out the smoke detectors for the heat detectors. Adam Bowman suggested that Wade Witt get pricing for the council to review as there is no ordinance for the Borough to enforce a fine for false alarms. Gettler call center was also calling Wade Witt for the recreational building because they used a phone to receive signal from the box, and there is not enough signal there to keep it active all of the time. Gettle recommends an external antenna to receive the signal through the phone. Wade Witt to get pricing for this also to present to council.
- Northeastern senior community center sent a thank you letter for the Borough donation. A copy was placed in each council member's packet.
- A copy of the monthly budget was handed out to each council member for their review.

Park and Recreation Report: Joseph Paniagua, Wade Witt

- No update

Maintenance/Street Report:

- No updates were provided. This is the second consecutive month with no report from the shop.

Unfinished Business

- Inspection requirement for zoning permits – Currently after a zoning permit is approved no follow up is currently required to ensure that the citizens have followed the guidelines that were approved. John Rea stated that if the Borough wants to enforce an occupancy inspection or final inspection it will need to be written into the zoning code as the Borough does not currently have it notated. Beth Kern stated the Borough could authorize that any appointed employee of the Borough could perform the permit inspections. Beth Kern further stated that she also agrees

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that it should be noted in the zoning code that an inspection can be required, and potentially be on a project-by-project basis that is part of the zoning permit. John Rea mentioned the inspection fee should be a requirement upfront when issuing the permit. Beth Kern to add the inspection requirement to the zoning code.

New Business

- Action Item 2023-13 Appointing Commonwealth Code Inspection Service Inc. as zoning officer of Manchester Borough.
 - A motion was made by Adam Bowman accepting Resolution 2023-13, and appointing Commonwealth Code Inspection Service Inc. as zoning officer of Manchester Borough. The motion was seconded by Mike Jack and the motion carried.
- Postage Machine Quotes – Due to an increase in mailings sent from the Manchester Borough office. Tiffany Mays presented 2 quotes for potential postage machines. Key Business Solutions for \$32.95/ month, plus ink refill costs, and no maintenance costs. The second quote was from Quadient for \$23.99/month plus maintenance costs, ink costs and label costs.
 - A motion was made by Adam Bowman to approve the purchase of the postage machine from Key Business Solutions at \$32.95/month. The motion was seconded by Mike Stahle and the motion carried.
- Manchester Borough office front door – Wade Witt mentioned that he noticed during tax season, some residents with canes had issues with opening the front door as it is heavy and caused struggles. Wade Witt to get quotes to replace and make the front door ADA compliant, and present at next council meeting on October 9th, 2023.
- Larry Weirich asked council for the personnel committee to have authority to hire employees tentatively until the final vote at the following council meeting in order to keep new potential employees from waiting a full month to start. Waiting has only caused potential candidates to not accept the position due to the wait time. Adam Bowman stated that he was sure that this was discussed and approved a year and a half ago. Wade Witt informed that it was discussed but not followed up on. Adam Bowman mentioned if an employee is being hired, then base pay needs to be agreed upon by the council per position, and the offer for the position will be to start at the base rate only until approved at the proceeding council meeting which will include a probationary period. Adam Bowman does not agree that a pay scale should be offered due to the lack of experience that may happen.
 - A motion was made by Adam Bowman to approve the personnel committee to have hiring flexibility to offer base rate pay to new hires based on council's approval. The motion was seconded by Mike Stahle and the motion carried.

There being no further business, a motion for adjournment at 09:39 P.M. was made by Adam Bowman. It was 2nd by Ryan Neely and the motion carried.