

MANHEIM TOWNSHIP
5191 Wool Mill Road
Glennville, PA 17329

Minutes, Manheim Township Board of Supervisors Meeting
October 21, 2019

The Manheim Township Board of Supervisors, York County, PA met on Monday, October 21, 2019 to transact the regular monthly business.

The following were in attendance:

Matt Muir, Chairman

Larry Miller, Vice Chairman

Burnell Doll, Supervisor

Township Staff:

Loren Riebling, Township Manager

Michelle Hershey, Secretary-Treasurer

Gerald Shue, Road Foreman

John Elliott, Solicitor

There were 101 persons in the audience

Chairman Muir called the meeting to order at 7:03 PM with the Pledge to the Flag.

Executive Session – Chairman Muir stated there was one Executive Session on October 21, 2019 at 6:30 pm to discuss legal matters pertaining to the police and ongoing township legal issues.

Public Comment –

Willa LeFever a North Codorus Township resident read a statement regarding the current police issues.

Chairman Muir reported that a letter was just sent out to the residents of the township from the SWRPD Association. Chairman Muir stated this is the 3rd time this has been done and is extremely disappointed that this letter went to the residents with the amount of misinformation provided. Vice Chairman Miller stated that the cost of service numbers in the letter are not correct. The cost for service from Northern Regional Police Department is for 55 hours a week at a cost of \$240,700.00 for 3 officers.

Resident David Schmidt asked if the \$255,000.00 that was mentioned is just Manheim Township's cost? Vice Chairman Miller stated that the \$255,000.00 is York Area Regional and the \$240,700.00 is Northern Regional and that is only Manheim Townships cost. Chairman Muir stated that the cost could be \$245,000.00 from York Area Regional Police Department if they can work something out with CBA to get the cost down. Chief Damon stated that the association did vote on that and it was approved. Vice Chairman Miller asked if the signed agreement is good

through 2022 and is that the end of the contract? Chief Damon replied yes. Vice Chairman Miller stated that \$245,000.00 isn't good until 2022 because there are annual increases. Chief Damon replied, correct.

An unidentified resident asked for comparison sake how many officers did SWRPD have? Vice Chairman Miller stated there were 2 officers on duty at all times for the 4 municipalities and the cost for Manheim Township is \$340,000.00. Riebling stated that also included the cover shift, detective and sergeant.

Chairman Muir stated that part of the decision making that went in to this is how many officers, coverage, and average increases per year. Chairman Muir stated that Northern Regional has an average increase over the last 4 to 5 years of 1% to 1.5% and the York Area Regional averages over the same amount of time is 3% to 5%. Chairman Muir stated that the question was asked of Chief Lash on response times and was told that Northern Regional has tracked response times of over the last 10,000 calls and the average response time is 5.5 minutes. Chairman Muir stated that the Chief from York Adams Regional doesn't track time. Chief Damon stated that they do track response time but a lot of factors that go in to that and you really have to take out self-initiated calls if you want that to be accurate. Chief Damon stated that York Area Regional is in the ballpark of around 5 minutes.

Vice Chairman Miller stated that the residents are feeling that York Area Regional would hire the officers from SWRPD rather than Northern Regional but according to paper work that Vice Chairman Miller has from York Area Regional all the officers will have to go through the background check, complete and pass physical agility test, complete and pass medical exam and drug screening, complete and pass psychological exam and pass polygraph examination. The officers will have to go through all the same testing no matter what department they go to. No department is just going to take the officers in and just hire them like its been sounding.

Police Association Attorney Ed Paskey asked if the board intends to negotiate with the association regarding the effects of this decision. Vice Chairman Miller stated they would do whatever is necessary and legally required.

Chairman Muir stated that residents have come to the meetings over the years and as a resident and a supervisor know this for a fact that this should come as no surprise to the current police association. If anyone goes back and looks at minutes the board has asked the question of the association and the chief what happens to the police coverage when North Codorus leaves, this question has been asked for the last year. The question was finally answered and the cost for Manheim Township would go up \$500,000.00 per year. Chairman Muir now thinks that they were blind sided by this, the question has been asked. Everyone knew where it was going and how we ended up here today. Chairman Muir stated that both chiefs are telling him that they would hire these officers if they met the qualifications. Chairman Muir stated that there were four positions filled to take care of North Codorus's need for police and not one of the SWRPD officers applied to fill those positions. Chairman Muir stated that if we decide to go with one of these forces and the SWRPD officers choose not to apply to that, that is not on the township and they were given the opportunity, talked to the chiefs and they are willing to consider these officers if they meet all qualifications.

Supervisor Doll asked what is the difference between an accredited and non-accredited police department? Chief Damon stated that there are 135 standards that have to be met every year and every 3 years they get an audit from outside assessors that come in that make sure that they have provided proof and documentation of training records, police reports, building, the way they operate and those things help keep the liability down and show they are doing the best practices set forth by the state. Out of the 1100 police departments in the state there are only about 120 that have achieved accreditation.

Riebling asked if there is a minimum commitment? Chairman Muir stated that it is 5 years for both departments. Northern Regional would prefer that Manheim Township become a voting member which would need one elected official to be a representative and an alternate. Riebling asked if there would be a buy in cost. Chief Lash stated yes, but that is offset by should they get the remaining municipalities and that would be offset by them purchasing equipment from SWRPD but the cost would approximately be \$8,400.00.

Resident David Schmidt asked is response time defined from the time he calls until the police show up to his residence? Chief Lash stated that it's from the time they are dispatched until they arrive at the residence. They can't control what the 911 system does.

Resident Nate Osbourne and director of facilities for South Western School District his primary concern is safety calls. What is the coverage for the school? Chief Lash stated that there would be two officers in the area. Chief Lash stated that they also have 2 school resource officers at the Spring Grove School District, one at the high school and one at the middle school. If something serious were to happen those officers could be dispatched to Manheim Elementary. Chief Damon stated that York Area would have an officer in an area. Chief Lash stated that the Northern Regional officers have electronic key cards to all schools in their areas to get immediate access if needed.

Resident Roger Main asked if the board has worked with SWRPD Officers to consider their input. Chairman Muir stated no.

Riebling stated that the board mentioned that each department would hire 6 officers. Is that only if all 3 remaining members go with that department. Chairman Muir replied I believe so. Riebling asked is there any coordination between the 3 remaining members to discuss what would be best for all remaining. Chairman Muir stated that after this month meeting that could happen. He thinks everyone is going to go back and talk to their respective boards after the last police board meeting.

Resident Ed Gately stated that 55 hours a week were mentioned but there will be 24/7 coverage. Chairman Muir stated that the 55 hours is a place where they take the call volume and they run it through a system, and it call for 55 hours of patrol time through the township but still have 24 hours of coverage.

Resident Wayne Nickel asked if all local police departments have a working mutual aide agreement? Chief Lash stated that there are agreements between all departments.

Resident Greg Winkler stated that SWRPD only has 9 officers in rotation and we are talking about two different contracts between two and three officers working the same areas. Chief Lash stated that is the number of officers that are out at a time. Chief Lash reported that if they were to get all 4 municipalities those municipalities along with Jackson and Paradise would be responsible for 17 officers which would be 680 hours of service per week and when they take out administrative time and they get down to patrol time they can do 36 hours a shift, so 72 hours a day which means there would be 3 officers available 24 hours a day. Mr. Winkler stated that there are a lot of new people moving in to Manheim Township and the surrounding townships so in 2.5 years as the public grows and the police department has to keep up where does this leave us with either department. Chairman Muir stated that they could just buy more time. Chief Lash stated that they do staff studies every even year so in 2020 and will provide recommendations.

Resident Wayne Darney asked if any state police coverage would be available. Chairman Muir stated no if you are covered by your own police department you don't have state police patrolling in the township.

Resident Jessie Smith asked if any funds come from county or state to offset the cost for policing. Chairman Muir stated no.

Resident Cheryl Brant asked in 5 years what says the cost isn't going to go up to the current SWRPD cost. Chairman Muir stated the only thing that they can go on is past practice and for the last 4 to 5 years the average increase for NYCRPD is 1% to 1.5% and the average increase for YARPD was 3% to 5% and even at that doesn't get the township anywhere close to that in 5 years.

Resident Rodney Smith asked what the PA. State Police cost the township. Chairman Muir stated no cost. Mr. Smith stated that if the township were to go with PSP that the township wouldn't have any police expense. Mr. Smith states that he works with the PSP a couple times a day and their professionalism is good and their response time is not that bad. Mr. Smith asked that if we only contract services and not buy in does that ease any liability on the municipality. Vice Chairman Miller stated that at this point we are not considering buying in.

Riebling stated that he spoke with Chief Kidd of Lineboro Fire Department because he was unable to attend tonight's meeting but wanted to let the Board of Supervisors know that his primary concern is best coverage possible and who has quickest response time.

Riebling asked if anyone has looked at the financial statements from both departments to see where everything stands. Chairman Muir stated that they asked the question regarding the pension funds and both were stable. Budget wise both have been doing this for a long time, Northern Regional was the first regional department and York Area has almost 20 years.

Resident Wayne Nickel asked if there is any debt that the township would be absorbing going with these other departments. Both NYCRPD and YARPD both have no debt.

Resident Lil DePalmer asked when we were contracted with SWRPD if we withdrew from the contract, we were penalized by having to pay the extra year regardless. How will that play out if we the township goes with NYCRPD or YARPD? Vice Chairman Miller stated that we were not

contracted with SWRPD we were a member. With these 2 departments the township would only be contracting for service. The contract is for 5 years and there is a 2 year notice if the township decides to not renew the contract.

Resident Jessie Main stated that hours that are contracted and provided for patrol time to residents some people think that if they call 911 and their patrol hours are up they aren't going to get service and that's not the case at all. If you call 911 there will be an officer there no matter how many patrol hours have been used.

Resident Lisa Schmidt asked if residents will get a vote on which department to go with. Chairman Muir stated this is what you are doing now but the Board of Supervisors are the ones who make the final vote. Solicitor Elliott stated as a legal point the Board of Supervisors can make a decision and an official dissolution has to be through an ordinance so that is something that would have to be advertised with an additional hearing, with additional public comment but it's ultimately the Board of Supervisors that makes the decision. Chairman Muir stated that both forces have asked them to notify them sooner than later because they have plans to make. The Police Board still has to make their decision but the Manheim Township Board of Supervisors as a member of the police board which way they are leaning.

Resident Adam Myer asked if the money that is being spent is contingent on the other municipalities joining. Chairman Muir stated no. Mr. Myer's asked where will the money that we are saving go? Vice Chairman Miller stated that any expenses coming from SWRPD dissolution we need to be prepared for that and don't know what that may be. Vice Chairman Miller stated for the first year that money would certainly be banked to cover anything possible coming back from SWRPD. Vice Chairman Miller stated that after the 2nd year if the township is good there are a lot of roads that need a lot of help and if everything is going well after that and roads are fixed, he feels that there could be a tax reduction. Mr. Myers asked can't they as a community legally make a petition to make this a public vote. Solicitor Elliott stated no, residents can attend the meetings and express your opinion any way they see fit, Solicitor Elliott stated that legally it's the Board of Supervisors decision. Mr. Myer's asked if Solicitor Elliott is speaking on the Board's behalf and Solicitor Elliott stated I speak as the legal representative of the Board of Supervisors to give them legal advice as to what is legal or not with respect to their decision. Mr. Myers asked Solicitor Elliott if he knows for a fact that this is not feasible. Solicitor Elliott stated that the public doesn't have authority to collectively vote The public's voice is through who you elect, and they are the representatives who speak on your behalf. If the public doesn't like the decisions being made, then they can be voted out of office at the next election. Riebling asked Solicitor Elliott if the Board could choose to put it to a referendum vote? Solicitor Elliott stated that the Board of Supervisors could choose to take in to consideration the public's opinion however they say see fit. Legally it is the Supervisors who are charged and have the authority to ultimately make the decision.

Resident Greg Winkler stated the board has said as statements tonight that your best interest is not to incur anymore cost to Manheim Township through what has to be done with this police department change. Mr. Winkler stated that the board said that they are doing this in the resident's best interest as what's been offered in front of them tonight. Mr. Winkler stated the board has more information in front of them than what the residents have seen, they as the public have put them in

those chairs and we as the public expect you to do your jobs. Mr. Winkler stated that this is his 3rd meeting and lived in the township for 17 years. Mr. Winkler stated that this board does stand up for Manheim Township and what they represent. Mr. Winkler stated that these board members live here too and that can be appreciated. Mr. Winkler stated as far as taxes being raised what has to be done as a community is stand together and hope that these gentlemen are doing in the resident's best interest to make sure they have the police coverage, aren't incurring anymore taxes, and can get help from other municipalities when the police department needs it. Mr. Winkler feels the board has covered all those.

Resident Nicole Greene asked if the Board of Supervisors see any difference in capability or equipment in the vehicles than SWRPD? Chairman Muir stated that compared to what we currently have both forces are equally equipped to SWRPD. Chief Damon stated that they carry AED in the car and last year in June of 2018 they had two life saves by officers carrying AED and being on seen rather quickly.

Resident Dave Kreuger asked if anyone with police experience consulted or a consultant used to evaluate both these agencies as to what they can provide. When it comes to equipment, he's heard what they said but does anyone really know that type equipment other than them to evaluate their equipment. Chairman Muir stated that the number of residents that they cover and the number of officers there is really no reason to think that they don't have the equipment that they should have. Chairman Muir stated that no inventory was done. Mr. Kreuger stated that it's just not their equipment but their way of thinking, just their general knowledge of policing.

Chief Lash stated that there are two consultants in the state that were previously his bosses. Chief Lash stated that the real issue here is time, you guys are running out of time. This can be dragged out for years and that just means the townships coverage will come from the state for 2 to 3 years. SWRPD is going to cease to exist January 1, 2020 and a decision has to be made and it can't wait for a referendum, it can't wait for a public vote, or a consultant that's going to spend 6 to 8 weeks. We need to get a direction, select an agency, hiring officers and want to be up and running and be able to provide good service to the residents of Manheim Township starting on January 1st.

Chairman Muir stated that his personal criteria number one was service, how many officers will be in our area and response time, how do they go about their daily duties, cost. Chairman Muir stated that he's met with both chiefs and they are both nice and feels they both could do a great job. For him personally it came down to they can get more officers with one force in our area, likes the fact that when the officers are dispatched from the department, they stay in the area all day. They do their call reports from the car, they aren't driving back and forth so when they are doing their reports they are acting as a traffic deterrent for vehicles driving by. Chairman Muir stated that he is leaning towards going with Northern York Area Regional Police Department. Vice Chairman Miller stated that he agrees with everything that Chairman Muir stated. Vice Chairman Miller stated that what he said earlier that he's not putting emotion in to this it comes down to facts and what is best for Manheim Township and he has to say Northern Area Regional Police Department. Supervisor Doll stated that he agrees with Chairman Muir and that he explained very clearly that the best option is Northern York Area Regional Police Department.

Riebling asked how is it handled if a resident would have to go to Northern York Regionals Police Department is there a meet them half way scenario. Chief Lash replied it depends on what they need. A lot of their stuff is available online. The biggest things residents need is right to know requests. There is a state program that residents can use to download information but there is a state fee charged of \$15.00. If residents can't use a computer or download documents an officer would be able to meet them at the municipal building.

Chairman Muir stated that the Board of Supervisors need to make their intentions official which way they intend to go because they need to let the Police Board know.

Vice Chairman Miller made a motion, seconded by Supervisor Doll that at the disbandment of Southwestern Regional Police Department to go with Northern York County Regional Police Department.

Vote 3-0

Consent Motion Package

Riebling reported that he received the 2020 Animal Care and Housing Agreement from the SPCA. The York County SPCA is proposing a 3% increase which will take the previous sum of \$1,690.00 to \$1,740.70. The SPCA will no longer investigate cruelty to animals but will be providing a Field Services Agent that will assist the local police departments.

Riebling reported that the PennDot winter maintenance agreement states the new requirement is that the minimum wage for service for part time drivers and call ins must be \$12.50 per hour. The estimated cost increase would be approximately \$320.00.

Vice Chairman Miller made a motion, seconded by Supervisor Doll, to approve the consent motion package consisting of the stated additions: minutes September 16, 2019, Tax Collector Report September 2019, Planning Commission minutes October 3, 2019 (draft) and reports from the following: Manager, Zoning, Treasurer, Road Department, SEO (September), SWRPD – Approved Minutes/Reports & Monthly Statistics (09/2019).

Vote 3-0

A. Solicitor Report –

Solicitor Elliott reported that he will need to prepare an ordinance to have advertised in either November or December for the Manheim Township to officially dissolve the police department. Solicitor Elliott suggested that the board have Riebling contact him to confirm the go-ahead date.

Solicitor Elliott stated that the Police Board, Solicitor Tilley has prepared as the sixth amendment to the articles of agreement that can be signed by the Board of Supervisors and a motion would need to be made to vote on it and if all in agreement it can be signed.

Chairman Muir made a motion, seconded Supervisor Doll to approve the amendment to amend the sixth amendment to articles of agreement.

Vote 3-0

Chairman Muir stated that the board needs to authorize Solicitor Elliott to go back after Mr. Mason and looking for a response within 30 days.

Chairman Muir made a motion, seconded by Supervisor Doll to authorize Solicitor Elliott to follow the steps to ramp up the Mason case and looking for a response within 30 days in the monetary amount that was discussed.

Vote 3-0

B. Committee Reports –

1. Southwestern Regional Police Department –

Next SWRPB meeting October 23, 2019 at 7:00 pm at 6115 Thoman Road.

Officer in Charge Stalcup reported that there were 38 calls for service, 22 tickets, 6 written warnings and 0 arrest charges in Manheim Township in September 2019.

2. EMA –

None

3. Rec. Board –

Next meeting on November 13, 2019 at 7:00 pm.

C. Subdivision –

Whitetail Ridge LLC – Add-on Plan & MR Application

This application was accepted for review and consideration on August 19, 2019. The 90 day review period will expire on November 17, 2019.

The applicant has submitted a modification request to waive the engineering review in Manheim Township since West Manheim is more affected through this application and their engineer has reviewed the plan.

York County Planning Commission and our local planning commission have reviewed the application and provided comments. The Manheim Township Planning Commission recommended approving the modification request to waive the engineering review.

The applicant has addressed all comments related to Manheim Township and indicated that no further revisions are requested in West Manheim Township.

These applications are recommended for approval as follows:

MR Applications

- A. Section 303.F.1.b – Township Engineer review: No improvements or public impact in Manheim Township.

- B. Section 403.A.1 – Plan Scale; 1”=200’ due to no improvements in Manheim Township and size of property.
- C. Section 409.D – Wetland study; No improvements in Manheim Township and wetlands shown per NWI mapping.

Provisional plan approval; Grant final approval conditioned on no further changes impacting Manheim Township and providing at least 4 paper and 1 mylar plan sets that have been signed by West Manheim Township for Manheim Township certification.

Vice Chairman Miller made a motion, seconded by Supervisor Doll to provisionally approve the Whitetail Ridge LLC – Add-on Plan & MR Application as presented.

Vote 3-0

New Applications –

Fred & Doris Dickmyer – Minor Subdivision & Add-on Plan & MR Application

This application was submitted on August 9, 2019. The initial completeness review was completed on August 19, 2019, with 9 deficiencies found. The review letter was sent out on August 20, 2019, indicating revisions need in order to be accepted as complete at the September 16, 2019 Board meeting.

The revised and corrected application was not resubmitted in time for acceptance for our September 16, 2019 meeting.

The revised plans were resubmitted on October 11, 2019, and it appears that requested corrections and revision were completed. This application can be accepted for review and consideration. Upon acceptance, the review period would expire January 19, 2020.

Vice Chairman Miller made a motion, seconded by Chairman Muir to accept the Fred & Doris Dickmyer – Minor Subdivision & Add-on Plan & MR Application for review and consideration.

Vote 3-0

D. Unfinished Business –

Recreation Board Bylaw Amendment

Remain Tabled

Bid Award for Used Bucket Truck Purchase – Reject all bids

Riebling reported that Solicitor Elliott stated that since the township has advertised for bids twice and only received bids that were either outside our specifications or way over our budget, we would be able to purchase any unit we find that is within the specifications and budget without further bidding obligation.

Vice Chairman Miller made a motion, seconded by Supervisor Doll to reject all bids for the used bucket truck purchase.

Vote 3-0

E. New Business–

Per Capita & Occupation Tax Discussion with Tax Collector

Riebling reviewed that the work that the tax collector has to put in to collect the \$20,000.00 in revenue. Riebling stated that the township used to have their own enumerator and she did pretty good keeping the rolls straight. The tax collector has since taken over that duty but now York Area Tax Bureau has offered up that service to try and take it on because they are already collecting EIT rolls and they can match things up. Riebling reported that they gave it a good attempt, but the tax collector is saying that YATB is adding 500 people every year and she is having to take 499 off as an example. Riebling’s position on this from a fairness standpoint is that real estate taxes are kind of regressive and the per capita and occupation is a head tax whether you own property here or a tenant you are at least contributing to utilize the infrastructure. Tax Collector Carolyn Ambrosius stated that this has been a nightmare. YATB has been trying to sync their system with the tax collector data base every month and they print out reports. At the beginning of this year 300 people added which she knew was inaccurate and the bills went out and to date she’s deleted 50 people a lot who have been deceased for several years other inaccuracies were that they took work permits from South Western School District and added all the kids in who are not even eligible to pay the tax. To this date there are currently 540 bills unpaid which is extremely high. Crunching the numbers if the township even gets a net income of \$22,000.00 for the year is doing good. After taking out her salary, postage, printing of the bills, reprinting all the reminders and the exonerations. Chairman Muir asked how other townships are handling this. Carolyn stated majority of townships have dropped this. Riebling stated that the reason is because they can go to the emergency services tax, but Manheim Township does not have that capability.

Chairman Muir made a motion, seconded by Supervisor Doll to approve Solicitor Elliott to the repeal for the ACT 511 Per Capita and Occupation Tax for next month’s meeting.

Vote 3-0

Fire Funds Distribution

Riebling reported that the 2019 Allocation of State Aide & Fire Tax will be:

	<u>State Aide</u>	<u>Fire Tax Fund</u>	<u>Total</u>
Jefferson	\$11,806.23	\$3,238.28	\$15,044.50
Pleasant Hill	\$11,806.23	\$3,238.28	\$15,044.50
Lineboro	\$0.00	\$30,089.00	\$30,089.00

Chairman Muir made a motion, seconded by Vice Chairman Miller to approve the 2019 Allocation of State Aide & Fire Tax as presented.

Vote 3-0

Budget Status & Planning

Riebling provided the 2020 budget session process schedule to the Board of Supervisors. Discussion occurred on capital purchases/project funding. Riebling stated that at the November 18, 2019 meeting the 2020 proposed draft budget can be reviewed/ finalized and adopt &

advertise if possible. If needed, revise/finalize, adopt and advertise proposed 2020 budget at a special meeting on November 25, 2019 and then on December 16, 2019, adopt 2020 budget with any necessary revisions.

Riebling stated that Road Foreman Shue is putting in a Grant Application for a dirt and gravel low volume grant for Simpson Road. In order to fulfill the total grant application that requires the township to do design mix and test in the amount of about \$4,750.00. Riebling stated that its not budgeted this year but can fit it in and it would lead us in to having a definite early start on the grant project.

Chairman Muir made a motion, seconded by Supervisor Doll to approve the design mix and test for Simpson Road grant application.

Vote 3-0

Purchase Requisitions

Road Department – 1 each x 11’ carbide cutting edge for plow; Chemung Supply, \$614.50 – Available in budgeted account. (This is a trial purchase to analyze the lifespan and cost efficiency compared to our current cutting edges)

Chairman Muir made a motion, seconded by Vice Chairman Miller to approve the purchase of 1 each x 11’ carbide cutting edge for plow; Chemung Supply, \$614.50.

Vote 3-0

Training Notices

Equipment Operator Muir successfully tested for and obtained his Applicator’s License and Category 10 Certification

Next Meeting – November 18, 2019 @7:00 pm

With no further business Chairman Muir adjourned the meeting at 9:27 pm.