

# PUBLIC BOARD MEETING MINUTES

August 22, 2024

Chairman Harlacher called the meeting to order at 7:00 p.m.

## ATTENDANCE:

Supervisors Present:	Steven Harlacher – Chairman Ron Ruman – Vice Chairman George Margetas – Supervisor
Staff Present:	Lori Trimmer – Parks & Recreation Keith Whittaker – Finance Dave Markle– Deputy Chief John Snyder – Police Chief Kelly Kelch – Township Manager Rainer Niederoest - Engineer Rachelle Sampere – Zoning & Codes Andrew Herrold – Solicitor Rich Shaw- Public Works Laura Mummert – Stenographer

## CALL TO ORDER:

A. The Pledge of Allegiance was recited.

## EXECUTIVE SESSION:

Chairman Harlacher announced there was an executive session held prior to tonight's meeting to discuss personnel matters.

## PUBLIC COMMENT:

None

## APPROVAL OF MINUTES:

A. The minutes of the July 25, 2024, Public Meeting were provided for approval. Motion to approve the Public Meeting Minutes of July 25, 2024, as presented.

MOTION:	G. Margetas
SECOND:	R. Ruman
MOTION PASSED UNANIMOUSLY	

**OPEN FLOOR DISCUSSION:**

None

**OLD BUSINESS:**

- A. T-891 PRELIMINARY/FINAL LAND DEVELOPMENT PLAN FOR YORK GARBER I: Motion to approve a preliminary/final land development plan depicting a proposed 204,474 sq. ft. solar energy farm located at 1750 Taxville Road (Tax Map: IG; Parcel:0059) in the Agricultural Zone. This includes the following outstanding comments:

**Zoning Ordinance (ZO):**

1.	§150-357.4.I the Board of Supervisors may require opaque fencing to visually screen the solar energy farm from adjacent public streets or residential uses. Please provide screening and include it on all applicable sheets of the plan set. Provide a fence detail sheet. Revise the fencing to include opaque fencing parallel to Taxville Road rather than using a 6’ high chain link fence of 3,240 LF). Update the plans to incorporate the additional screening discussed and approved at the August 23, 2024, BOS meeting.
2.	§150-357.4.O.3 Please submit the cost estimates for evaluations. Financial security must be posted and must be maintained according to the requirements of this ordinance. Financial security shall be in the form of a letter of credit (auto-extending) or cash to be held in escrow.  Dawood has the following comments on the provided estimate:  a) The salvage value of \$6.50/LF for 25-year-old vinyl covered chain link fence appears to be too high. Please provide documentation to establish the validity of this number at this length of service and amount above the generally available information on scrap value.  b) The item for removal of the Steel Piles lists the length as 10 feet. However, the detail on sheet CS6001 shows the underground length of the posts as 10 feet. The length above grade is not accounted for, which will affect the costs. Please revise the length to be consistent with the detail.  c) The salvage cost of \$0.10/LB for the Racking assemblies seems to be around 25% higher than the current price for steel scrap metal. Provide documentation for the source of this number.  d) The amount of \$170,385.45 for the escalation due to inflation does not appear to be correct. Provide a subtotal amount for the Gross Cost (without salvage) and Net Cost (with salvage) in the respective columns prior to the inclusion of the inflation factor.  e) Dawood’s expectation is that the applicant should provide the total amount of inflation for the 25-year life of the project in the Gross Cost (without salvage) and Net Cost (with salvage) columns then a Decommissioning Total Cost in both columns for the project. The derivation of the total costs listed is not very clear from the way the amounts are shown. The Net Decommissioning Cost for the project with salvage should equal the Total Decommissioning Gross Cost without

	<p>salvage reduced by the Total of the Salvage Value column then adjusted for inflation. If Pennoni disagrees please provide industry white papers or other documentation supporting the approach taken.</p> <p>f) Provide a total of the salvage value for the second column from the right.</p> <p>g) The use of an inflation factor of 1.5% for the 25 year life is not reasonable given the Federal Reserve’s target inflation rate of 2%. An inflation factor of a minimum of 2% per year is more reasonable (which would result in an inflation factor of around 1.64 for the 25 years).</p>
3.	<p>§150-357.4.L The applicant shall demonstrate compliance with the West Manchester Township Stormwater Management Ordinance. Solar energy farm facility owners are encouraged to use low-maintenance and/or low growing vegetative surfaces under the system as a best management practice for stormwater management. <i>Dawood Engineers will review the stormwater management BMP submitted by the Applicant and provide comments in their review memo.</i></p>
4.	<p>The facility owner shall submit an estimate for the total cost of decommissioning without regard to salvage value of the equipment (gross decommissioning cost), and also an estimate of the cost of decommissioning net of the salvage value of the equipment (net decommissioning cost) to the Township for review and approval prior to the first anniversary of the issuance of an occupancy permit for the solar energy farm and every fifth year thereafter. The facility owner shall post and maintain financial security in the amount of the net decommissioning costs; provided that at no point shall the financial security be less than 25% of the gross decommissioning costs. The financial security shall be in the form of a bank-issued letter of credit or cash escrow or other form of financial security approved by the Board. Cash escrow funds shall be held in an interest-bearing escrow account for the benefit of the facility owner. §150-357.4.O.3. <i>Please submit the cost estimates for evaluations. The financial security must be posted and must be maintained according to the requirements of this ordinance. Financial security shall be in the form of a letter of credit or cash to be held in escrow. Letters of credit must be automatically extending.</i></p>
5.	<p>§150-277 Landscaping. Any required landscaping (landscape strips and interior landscaping) shall include a combination of the following elements: deciduous trees, ground covers, evergreens, shrubs, vines, flowers, rocks, gravel, earth mounds, berms, walls, fences, screens, sculptures, fountains, sidewalk furniture or other approved materials. Artificial plants, trees and shrubs may not be used to satisfy any requirement for landscaping or screening. No less than 80% of the require landscape area shall be vegetative in composition, and no outdoor storage shall be permitted within the require landscape areas.</p>
6.	<p>§150-277.B For each 750 square feet of required area for landscape strips, one shade/ornamental tree shall be provided...If deciduous, these trees shall have a clear trunk at least 5 feet above finished grade; if evergreen, these trees shall have a minimum height of 6 feet. All required landscape strips shall have landscaping materials uniformly distributed along the entire length of the lot line abutting the yard.</p>

**Subdivision and Land Development Ordinance (SLDO) Preliminary Plan/Final Plan:**

1.	Building setback lines with distances from the street right-of-way. A typical example may be used to identify side and rear yard setback; however, odd or unusual shaped lots shall be plotted with all setback lines. §121-14.D.7. <i>Add the setbacks in all the plans which shows the existing/proposed buildings.</i>
2.	A statement on the plan indicating any proposed waivers. This statement must be revised, prior to recordation of the plan, to acknowledge the outcome of the requested waiver(s). §121-14.D.15. <i>Please add any waiver requests to the title page of the plan and add a line for the date of the action and the outcome of the Board's action for each requested waiver.</i>
3.	Improvement guaranties in accordance with Article V. §121-15.F.9 <i>Improvement guaranties will be required prior to the recording of the plan. Please submit an estimated cost of public improvements for Dawood Engineers to review.</i>
4.	Financial Security. §121-17 <i>Financial security is required prior to recording the plan. West Manchester Township prefers automatically extending or evergreen irrevocable letters of credit or escrow accounts. Such financial security shall be posted by a reputable chartered lending institution or bonding company authorized to do so in the Commonwealth of Pennsylvania and is subject to review by the Township Solicitor for adequacy. (Dawood Review Memo #1) Provide a cost estimate with the next submission.</i>
5.	Engineering escrow shall be delivered to the Township, prior to recording the plan, in the form of a check payable to the Township in the amount equal to 3.5% of the bond or other security. If the amount furnished is not sufficient to cover inspections, administrative and other related costs, the applicant shall furnish additional amounts from time to time, when notified to do so. §121-17.D <i>Provide engineering escrow prior to recording the plan.</i>
6.	Maintenance guaranty. §121-19. <i>A maintenance guaranty will be required.</i>
7.	As-built plans. §121-21. Upon completion of all required improvements and prior to the issuance of occupancy permits, the applicant shall submit an as-built plan showing the location, dimension and elevation of all public improvements. In addition, the plan shall indicate the resultant grading, drainage structures, and/or drainage systems and erosion and sediment control practices, including vegetative measures, are in substantial conformance with the previously approved drawings and specifications. The plan shall not all deviation from the previously approved drawings. <i>Two copies of the plan shall be submitted to the Township, which shall distribute one copy to the Township Engineer and retain one copy for the Township files.</i>
8.	§121-23.R.4 Access drives which form cul-de-sac shall not exceed 1,600 feet in length, measured from the center line of a street or access drive which is not a cul-de-sac. Access drive cul-de-sac which do not terminate in a parking compound shall be provided at the terminus with a fully paved turnaround with a minimum diameter of 100 feet. The cul-de-sac have too small a diameter. A waiver was requested. Dawood

	indicated during the in-house staff review meeting that we could support a waiver if a turning template shows that a “k” or three-point provisions in the plans are adequate to serve the needed vehicle. Though a turning template was provided it appears that the truck is shown backing out of the driveway. Please clarify or adjust the plans. (Dawood Review Memo #2)
9.	Easements. §121-28 Easements for sanitary sewer facilities, stormwater drainage facilities, public utilities or pedestrian access shall meet the standards listed in in A-F. <i>Provide easements on the property as required by the sections listed. Please show the easements on all applicable pages of the plan. The applicant will provide a blanket easement for the proposed stormwater drainage facilities.</i> (Dawood Review Memo #1)
10.	Stormwater Management. §121-30 All land development applications shall include stormwater management data as required in accordance with the prevailing West Manchester Township Stormwater Management Ordinance. <i>Dawood Engineers will review and comment on the provided PCSM report.</i>

**Stormwater Management Ordinance:**

1.	§113-12.I The design of all facilities in areas of carbonate geology or karst topography shall include an evaluation of measures to minimize adverse effects, including hydro-geologic studies if required by the Township. Portions of the solar panel areas are indicated to be in carbonate geologic units. The comment has been noted by Pennoni. Provide the results of the geotechnical and infiltration testing when available.
2.	§113-12.K All encroachment activities shall comply with the requirements of PA DEP, 25 Pa. Code 105 (Water Obstructions and Encroachments). Provide a copy of the permit application and associated detailed information as required in the Stormwater Management Ordinance. Also address whether the replacement wetlands are required. The comment has been noted by Pennoni. Pennoni has indicated that it is anticipated that a fee-in-lieu will be provided rather than providing replacement wetlands. Provide the Chapter 105 Permit when available.
3.	§113-17.N.1.b.26 Infiltration BMPs intended to receive runoff from developed areas shall be selected based on suitability of soils and site conditions and shall be constructed on soils that have the following characteristics: (b) An infiltration and/or percolation rate sufficient to accept the additional stormwater load and drained completely as determined by field tests conducted by the Owner’s professional designer. Provide geotechnical and infiltration test results and report. The comment has been noted by Pennoni. Provide the results of the geotechnical and infiltration testing when available.
4.	§113-17.M Surface flow characteristics: The maximum swale, gutter, or curb stormwater runoff shall be maintained at levels which result in a stable condition both during and after construction. Provide the amount of solar panel area on slopes of 8% or greater in addition to analyzing the flow characteristics of the existing receiving drainage facilities. The comment has been noted by Pennoni. Though existing slopes are shown on SC0201

	andCS002, no analysis was found in the submission. Provide the results from the analysis of the amount of solar panel area on slopes of 8% or greater.
5.	§113-18.E.9 The SWM site plan shall include an operation and maintenance plan for all existing and proposed physical stormwater management facilities. This plan shall address long-term ownership and responsibilities for O&M as well as schedules and costs for O&M activities. An O&M Agreement shall be executed and recorded in accordance with section PCSM 113-27. The comment has been noted by Pennoni.
6.	§113-18.E.11 A notarized signature of the owner of the parcel for which the SWM site plan is proposed indicating that they are aware of and will be responsible for operation an maintenance of the facilities. An associated signature block should be added. It must also be sealed and notarized before recording the plans. The comment has been noted by Pennoni.
7.	§113-18.E.23 Horizontal and vertical profiles of all open channels, including hydraulic capacity. Provide detailed information on the existing drainage features that the project flows discharge to, continuing to the street drainage or receiving stream.
8.	§113-28 Performance guarantee – For stormwater site plans that involve subdivision and land development the applicant shall provide a financial guarantee to the Township for the timely installation and proper construction of all stormwater management controls as required by the approved SWM site plan and this chapter in accordance with the provisions of Section 5069, 510, and 511 of the PA MPC. :Provide and estimate with the next submission. The comment has been noted by Pennoni.

**General Comments:**

1.	A benchmark should be shown on the plan.
2.	The notarized signature of the owner(s) shall be affixed to the plan prior to approval by the Board of Supervisors (§121-15.F.4)
3.	Stormwater Operation & Maintenance Agreement required.
4.	All administrative items shall be addressed prior to plan recording (payment of all invoices, etc.)
5.	All final plans, as recorded, shall be submitted in electronic format (i.e. PDF)
6.	A Knox box shall be required for each of the proposed gates for Fire Department access in emergent situations.
7.	An E&S plan and N.P.D.E.S. approvals by the York County Conservation District (YCCD) are required prior to recording the plan.

**The following waivers were granted by the Board of Supervisors on August 23, 2024:**

W1.	§121-9 Preliminary Plan. The waiver request is to combine the preliminary and final land development plans instead of submitting individual preliminary and final land development plans.
W2.	§121-14.A.1 Drafting Standards. The waiver request is to allow 1" = 150' on overall sheets instead of the maximum scale of 1" = 100'. (Sheets: CS0200, CS1000, CS8000, CS9000)
W3.	§121-23.C Improvements to Existing Streets. The waiver request is to not be required to make any improvements to the existing street.
W4.	§121-23.R.4 Streets, Access Drives, Driveways. The waiver request is to provide an area of a "k" turn in lieu of a cul-de-sac and to not pave the turnaround area.
W5.	§121-25 Sidewalks and Curbs. The waiver request is to not be required to install curb or sidewalk along Taxville Road.
W6.	§113-17.H.1 Stormwater Design Standards. The waiver request is to not provide inlets along the driveway. Roadside swales will be utilized to manage the runoff and will be sized for the 10-year storm.
W7.	§113-17.H.2 Stormwater Design Standards. The waiver request is to not provide calculations for flow crossing the center line of a local road or driveway intersection. This condition does not exist because there is an existing storm ditch where runoff from Taxville Road, as well as runoff from the site, will drain without flowing toward intersection.
W8.	§42-8.F Access Drives. The waiver request is to allow for multiple access drives to intersect with the street line of Taxville Road.

MOTION: R. Ruman  
SECOND: S. Harlacher  
MOTION PASSED UNANIMOUSLY

B. T-892 PRELIMINARY/FINAL LAND DEVELOPMENT PLAN FOR YORK GARBER II: Motion to approve a preliminary/final land development plan depicting a proposed 230,802 sq. ft. solar energy farm located at 1750 Taxville Road (Tax Map:IG; Parcel: 0059) in the Agricultural Zone. This vote was conditionally approved subject to the following comments being addressed prior to recording the plan:

**Zoning Ordinance (ZO):**

1.	§150-357.4.I The Board of Supervisors may require opaque fencing to visually screen the solar energy farm from adjacent public streets or residential uses. <i>Please provide screening and include it on all applicable sheets of the plan set. Provide a fence detail sheet. Revise the fencing to include opaque fencing parallel to Taxville Road rather than a 6' high chain link fence. Update the plans to incorporate the additional screening discussed and approved at the August 23, 2024 BOS meeting.</i>
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2.	<p>§150-357.4.L The applicant shall demonstrate compliance with the West Manchester Township Stormwater Management Ordinance. Solar energy farm facility owners are encouraged to use low-maintenance and/or low growing vegetative surfaces under the system as a best management practice for stormwater management. <i>Dawood Engineers will review the stormwater management BMP submitted by the Applicant and provide comments in their review memo.</i></p>
3.	<p>§150-357.4.O.3 Please submit the cost estimates for evaluations. Financial security must be posted and must be maintained according to the requirements of this ordinance. Financial security shall be in the form of a letter of credit (auto-extending) or cash to be held in escrow.</p> <p>Dawood has the following comments on the provided estimate:</p> <ul style="list-style-type: none"> <li>a) The salvage value of \$6.50/LF for 25-year-old vinyl covered chain link fence appears to be too high. Please provide documentation to establish the validity of this number at this length of service and amount above the generally available information on scrap value.</li> <li>b) The item for removal of the Steel Piles lists the length as 10 feet. However, the detail on sheet CS6001 shows the underground length of the posts as 10 feet. The length above grade is not accounted for, which will affect the costs. Please revise the length to be consistent with the detail.</li> <li>c) The salvage cost of \$0.10/LB for the Racking assemblies seems to be around 25% higher than the current price for steel scrap metal. Provide documentation for the source of this number.</li> <li>d) The amount of \$170,385.45 for the escalation due to inflation does not appear to be correct. Provide a subtotal amount for the Gross Cost (without salvage) and Net Cost (with salvage) in the respective columns prior to the inclusion of the inflation factor.</li> <li>e) Dawood’s expectation is that the applicant should provide the total amount of inflation for the 25-year life of the project in the Gross Cost (without salvage) and Net Cost (with salvage) columns then a Decommissioning Total Cost in both columns for the project. The derivation of the total costs listed is not very clear from the way the amounts are shown. The Net Decommissioning Cost for the project with salvage should equal the Total Decommissioning Gross Cost without salvage reduced by the Total of the Salvage Value column then adjusted for inflation. If Pennoni disagrees please provide industry white papers or other documentation supporting the approach taken.</li> <li>f) Provide a total of the salvage value for the second column from the right.</li> <li>g) The use of an inflation factor of 1.5% for the 25 year life is not reasonable given the Federal Reserve’s target inflation rate of 2%. An inflation factor of a minimum of 2% per year is more reasonable (which would result in an inflation factor of around 1.64 for the 25 years).</li> </ul>
4.	<p>The facility owner shall submit an estimate for the total cost of decommissioning without regard to salvage value of the equipment (gross decommissioning cost), and also an estimate of the cost of decommissioning net of the salvage value of the equipment (net decommissioning cost) to the Township for review and approval prior to the first anniversary of the issuance of an occupancy permit for the solar energy farm and every</p>



	<p>fifth year thereafter. The facility owner shall post and maintain financial security in the amount of the net decommissioning costs; provided that at no point shall the financial security be less than 25% of the gross decommissioning costs. The financial security shall be in the form of a bank-issued letter of credit or cash escrow or other form of financial security approved by the Board. Cash escrow funds shall be held in an interest-bearing escrow account for the benefit of the facility owner. §150-357.4.O.3. <i>Please submit the cost estimates for evaluations. The financial security must be posted and must be maintained according to the requirements of this ordinance. Financial security shall be in the form of a letter of credit or cash to be held in escrow. Letters of credit must be automatically extending.</i></p>
5.	<p>§150-276 Ground cover. Any part of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks and designated storage areas shall be planted with an all-season ground cover approved by the Board of Supervisors (ie. grass, ivy, vetch, pachysandra, etc.) It shall be maintained to provide an attractive appearance, and all non-surviving plants shall be replaced promptly.</p>
6.	<p>§150-277 Landscaping. Any required landscaping (landscape strips and interior landscaping) shall include a combination of the following elements: deciduous trees, ground covers, evergreens, shrubs, vines, flowers, rocks, gravel, earth mounds, berms, walls, fences, screens, sculptures, fountains, sidewalk furniture or other approved materials. Artificial plants, trees and shrubs may not be used to satisfy any requirement for landscaping or screening. No less than 80% of the require landscape area shall be vegetative in composition, and no outdoor storage shall be permitted within the require landscape areas.</p>
7.	<p>§150-277.B For each 750 square feet of required area for landscape strips, one shade/ornamental tree shall be provided...If deciduous, these trees shall have a clear trunk at least 5 feet above finished grade; if evergreen, these trees shall have a minimum height of 6 feet. All required landscape strips shall have landscaping materials uniformly distributed along the entire length of the lot line abutting the yard.</p>

**Subdivision and Land Development Ordinance (SLDO) Preliminary Plan/Final Plan:**

1.	<p>Building setback lines with distances from the street right-of-way. A typical example may be used to identify side and rear yard setback; however, odd or unusual shaped lots shall be plotted with all setback lines. §121-14.D.7. <i>Please show all distances from the minimum building setback lines to the street rights-of-way and all property lines for the entire lot on all applicable pages of the plan. Add the setbacks in all the plans which shows the existing/proposed buildings.</i></p>
2.	<p>Improvement guaranties in accordance with Article V. §121-15.F.9 <i>Improvement guaranties will be required prior to the recording of the plan. Please submit an estimated cost of public improvements for Dawood Engineers to review. The comment has been noted by Pennoni.</i></p>

3.	<p>Financial Security. §121-17 <i>Financial security is required prior to recording the plan. West Manchester Township prefers automatically extending or evergreen irrevocable letters of credit or escrow accounts. Such financial security shall be posted by a reputable chartered lending institution or bonding company authorized to do so in the Commonwealth of Pennsylvania and is subject to review by the Township Solicitor for adequacy. The amount of the financial security required shall be based upon estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer. Provide an estimate with the next submission. The comment has been noted by Pennoni.</i></p>
4.	<p>Engineering escrow shall be delivered to the Township, prior to recording the plan, in the form of a check payable to the Township in the amount equal to 3.5% of the bond or other security. If the amount furnished is not sufficient to cover inspections, administrative and other related costs, the applicant shall furnish additional amounts from time to time, when notified to do so. §121-17.D <i>Provide engineering escrow prior to recording the plan. The comment has been noted by Pennoni.</i></p>
5.	<p>Maintenance guaranty. §121-19. <i>A maintenance guaranty will be required.</i></p>
6.	<p>As-built plans. §121-21. Upon completion of all required improvements and prior to the issuance of occupancy permits, the applicant shall submit an as-built plan showing the location, dimension and elevation of all public improvements. In addition, the plan shall indicate the resultant grading, drainage structures, and/or drainage systems and erosion and sediment control practices, including vegetative measures, are in substantial conformance with the previously approved drawings and specifications. The plan shall not all deviation from the previously approved drawings. <i>Two copies of the plan shall be submitted to the Township, which shall distribute one copy to the Township Engineer and retain one copy for the Township files. (Dawood Review Memo #1)</i></p>
7.	<p>§121-23.R.4 Access drives which form cul-de-sac shall not exceed 1,600 feet in length, measured from the center line intersection of a street or access drive which is not a cul-de-sac. Access drive cul-de-sac which do not terminate in a parking compound shall be provided at the terminus with a fully paved turnaround with a minimum diameter of 100 feet. <i>The cul-de-sac have too small a diameter. Additionally, this says the turnaround must be paved. A waiver was requested. Dawood indicated during the in-house review meeting, that we could support the waiver if a turning template shows that the “k” or three-point provisions in the plans are adequate to serve the needed vehicle. Though a turning template was provided it appears that the truck is shown backing out of the driveway. Please clarify or adjust the plans.</i></p>
8.	<p>Easements. §121-28 Easements for sanitary sewer facilities, stormwater drainage facilities, public utilities or pedestrian access shall meet the standards listed in in A-F. <i>Provide easements on the property as required by the sections listed. Please show the easements on all applicable pages of the plan. The applicant will provide a blanket easement for the proposed stormwater drainage facilities. The comment has been noted by Pennoni.</i></p>

9.	Stormwater Management. §121-30 All land development applications shall include stormwater management data as required in accordance with the prevailing West Manchester Township Stormwater Management Ordinance. <i>Dawood Engineers will review and comment on the provided PCSM report.</i>
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**Stormwater Management Ordinance:**

1.	§113-12.I The design of all facilities in areas of carbonate geology or karst topography shall include an evaluation of measures to minimize adverse effects, including hydro-geologic studies if required by the Township. Portions of the solar panel areas are indicated to be in carbonate geologic units. The comment has been noted by Pennoni. Provide the results of the geotechnical and infiltration testing when available.
2.	§113-12.K All encroachment activities shall comply with the requirements of PA DEP, 25 Pa. Code 105 (Water Obstructions and Encroachments). Provide a copy of the permit application and associated detailed information as required in the Stormwater Management Ordinance. Also address whether the replacement wetlands are required. The comment has been noted by Pennoni. Pennoni has indicated that it is anticipated that a fee-in-lieu will be provided rather than providing replacement wetlands. Provide the Chapter 105 permit when available.
3.	§113-17.N.1.b.26 Infiltration BMPs intended to receive runoff from developed areas shall be selected based on suitability of soils and site conditions and shall be constructed on soils that have the following characteristics: (b) An infiltration and/or percolation rate sufficient to accept the additional stormwater load and drained completely as determined by field tests conducted by the Owner's professional designer. Provide geotechnical and infiltration test results and report. Provide geotechnical and infiltration test results and report. The comment has been noted by Pennoni. Provide the results of the geotechnical and infiltration testing when available.
4.	§113-17.M Surface flow characteristics: The maximum swale, gutter, or curb stormwater runoff shall be maintained at levels which result in a stable condition both during and after construction. Provide the amount of solar panel area on slopes of 8% or greater in addition to analyzing the flow characteristics of the existing receiving drainage facilities. The comment has been noted by Pennoni. Though existing slopes are shown on CS0201 and CS0202 no analysis was found in the submission. Provide the results from the analysis of the amount of solar panels area on slopes of 8% of greater.
5.	§113-18.E.9 The SWM site plan shall include an operation and maintenance plan for all existing and proposed physical stormwater management facilities. This plan shall address long-term ownership and responsibilities for O&M as well as schedules and costs for O&M activities. An O&M Agreement shall be executed and recorded in accordance with section PCSM 113-27. The comment has been noted by Pennoni.
6.	§113-18.E.11 A notarized signature of the owner of the parcel for which the SWM site plan is proposed indicating that they are aware of and will be responsible for operation an

	maintenance of the facilities. An associated signature block should be added. It must also be sealed and notarized before recording the plans. The comment has been noted by Pennoni.
7.	§113-18.E.23 Horizontal and vertical profiles of all open channels, including hydraulic capacity. Provide detailed information on the existing drainage features that the project flows discharge to, continuing to the street drainage or receiving stream. (Dawood Review Memo #1)
8.	§113-28 Performance guarantee – For stormwater site plans that involve subdivision and land development the applicant shall provide a financial guarantee to the Township for the timely installation and proper construction of all stormwater management controls as required by the approved SWM site plan and this chapter in accordance with the provisions of Section 5069, 510, and 511 of the PA MPC. Provide an estimate with the next submission. The comment has been noted by Pennoni.

**General Comments:**

1.	The notarized signature of the owner(s) shall be affixed to the plan prior to approval by the Board of Supervisors (§121-15.F.4)
2.	Stormwater Operation & Maintenance Agreement required.
3.	All administrative items shall be addressed prior to plan recording (payment of all invoices, etc.)
4.	All final plans, as recorded, shall be submitted in electronic format (i.e. PDF)
5.	An E&S plan and N.P.D.E.S. approvals by the York County Conservation District (YCCD) are required prior to recording the plan.

**The following waivers were granted by the Board of Supervisors on August 23, 2024:**

W1.	§121-9 Preliminary Plan. The waiver request is to combine the preliminary and final land development plans instead of submitting individual preliminary and final land development plans.
W2.	§121-14.A.1 Drafting Standards. The waiver request is to allow 1" = 150' on overall sheets instead of the maximum scale of 1" = 100'.
W3.	§121-23.C Improvements to Existing Streets. The waiver request is to not be required to make any improvements to the existing street.
W4.	§121-23.R.4 Streets, Access Drives and Driveways. The waiver request is to provide an area of a "k" turn in lieu of a cul-de-sac and to not pave the turnaround area.

W5.	§121-25 Sidewalks and Curbs. The applicant seeks a deferment of the sidewalk/curb requirement as it will allow adequate stormwater runoff into existing storm ditch and proposed project will allow private use only. No existing curb or sidewalk is located on the tract. Dawood has no objection to this deferment.
W6.	§113-17.H.1 Stormwater Design Standards. The waiver request is to not provide inlets along the driveway. Roadside swales will be utilized to manage runoff and will be sized for the 10-year storm.
W7.	§113-17.H.2 Stormwater Design Standards. The waiver request is to not provide calculations for flow crossing the center line of a local road or driveway intersection. This condition does not exist because there is an existing storm ditch where runoff from Taxville Road, as well as runoff from the site, will drain without flowing towards intersection.

MOTION: R. Ruman  
SECOND: S. Harlacher  
MOTION PASSED UNANIMOUSLY

**NEW BUSINESS:**

- A. COTTONTAIL SOLAR LAND DEVELOPMENT: Employees from Lightsource BP were in attendance to discuss with the Board the ongoing issues with their solar farms, specifically, the upkeep and maintenance of landscaping and fencing. Mr. Dan Shapiro addressed the Board and provided information on how they will correct the situation and ensure it will not continue going forward. There was also discussion on the fabric covering some portions of the fencing that has become damaged due to weather. A motion was made by Supervisor Margetas, and seconded by Vice-Chairman Ruman to amend the agenda to allow a waiver request to be added. All Board members agreed. A motion was made by Supervisor Margetas to remove the old fabric around the fencing, and was seconded by Vice-Chairman Ruman. All Board members agreed. It was also noted that the property owner where said fence is located was also in agreement with this removal of fabric and to install something better to handle the weather and for general upkeep.
  
- B. REZONING REQUEST: Motion to approve establishing a public hearing date for a request from Gerald L. Lighty and Gerald W. Lighty, Executor of the Estate of Brian L. Lighty to rezone a 48.60-acre parcel of land along Baker Road (UPI # 51-000-JG-0033D-00000) from the Open Space Residential-1 Zone to the R-1 Residential Zone. Dawood Engineers, the West Manchester Township Planning Commission and the York County Planning Commission have reviewed the request and provided the Board with their recommendations.

MOTION: R. Ruman  
SECOND: S. Harlacher  
MOTION PASSED UNANIMOUSLY

C. T-896 FINAL REVERSE SUBDIVISION PLAN FOR FRITO LAY ASF REMODEL:

Motion to approve a final reverse subdivision plan for Frito Lay ASF Remodel which depicts the existing conditions of the project site and to combine parcel 1 (Tax Map: IG; Parcel 52B) and parcel 2( Tax Map: IG; Parcel: 52Q) along North Zarfoss Drive and Gillespie Drive to create a combined parcel of 12.94 acres located at 3553 Gillespie Drive in the General Industrial (I-3) Zone. This is subject to the following comments being addressed prior to recording the plan:

**Subdivision and Land Development Ordinance (SLDO):**

1.	§121-14.C.3.b The following items when located within 200 feet of the subject tract: ... sanitary sewer mains including manhole numbers. <i>Include the manhole number for the sanitary sewer manhole in Gillespie Drive near L1. On 8/7/2024, the West Manchester Township Public Works Superintendent provided GPI with the manhole number to be used for the sanitary sewer manhole in the curve of Gillespie Drive near L1 which is 17. Please add this information to all applicable sheets of the plan.</i>
2.	§121-14.D.14 A statement on the plan indicating any proposed waivers. This statement must be revised, prior to recordation of the plan, to acknowledge the outcome of the requested waiver.
3.	§121-14.E.2 & 121-15.F.3 Verification should be provided indicating that the Planning Module for Land Development or Non-Building Waiver was approved by the Sewage Enforcement Officer and/or the Pennsylvania Department of Environmental Protection.
4.	§121-14.G.2 & §121-15.F Certifications and notifications. A statement by the individual responsible for the data to the effect the survey, plan and/or other general data are correct (See Appendix No. 1) <i>This statement must be placed on both plans and reports. Sign and seal the plans and reports.</i>
5.	§121-15.F.4 A notarized statement signed by the landowner, to the effect that the subdivision or land development shown on the plan is the act and the deed of the owner, that all those signing are the owners of the property shown on the survey and plan, and that they desire the same to be recorded as such (See Appendix No. 2). This must be dated following the last change or revision to said plan. <i>Since there is development proposed on the lot, the owner must sign the plan.</i>

**Access Drive Ordinance:**

1.	§42-8.F The number of access drives intersecting with a street line may not exceed one per lot. The Board of Supervisors may grant permission for additional access points where required to meet exceptional circumstances and where frontage of unusual length exists. <i>There are multiple entrances from Gillespie Drive into the subject parcel(s). Please list the existing nonconformity or list any previously approved waivers on the Cover Sheet of the plan. A new waiver of this section will be required since the lots are being combined. Please submit a waiver application and add the requested waiver to the Cover Sheet of the Plan. The Applicant has requested a waiver.</i>
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**General Comments:**

1.	A new legal description must be prepared for the newly combined lot and recorded with the plan so that the County Tax Map is updated.
2.	The notarized signature of the owner(s) shall be affixed to the plan prior to approval by the Board of Supervisors (§121-15.F.4)
3.	The signature of the individual responsible for the data to the effect that the survey, plan and/or other general data are correct .(§121-14.G.2)
4.	All administrative items shall be addressed prior to plan recording (payment of all invoices, etc.)
5.	All approved Final subdivision and land development plans, shall be submitted in electronic format (i.e. PDF)
6.	Comments from the York County Conservation District, Township Zoning Officer and other as applicable shall be addressed.
7.	Dawood reserves the right to comment on future plan submissions or provide additional comments if new issues arise.

**The following waivers were granted by the Board of Supervisors on August 23, 2024:**

W1.	§42-8.F The number of access drives intersecting with a street line may not exceed one per lot. The Board of Supervisors may grant permission for additional access points where required to meet exceptional circumstances and where frontage of unusual length exists. Currently, the 2 lots contain 3 access drives along Gillespie Drive. The proposed combined lot will contain the 3 existing access drives. The proposed frontage on Gillespie Drive would be approximately 1,350 feet.
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MOTION: G. Margetas

SECOND: R. Ruman

MOTION PASSED UNANIMOUSLY

- D. FINANCIAL SECURITY RELEASE REQUEST FOR T-865 PRELIMINARY/FINAL SUBDIVISION AND LAND DEVELOPMENT PLAN FOR WESTGATE CAMPUS PHASE 1: Motion to approve a request from Gregory Schwartz, Project Manager, Williams Site Civil, on behalf of BAM Westgate Three, LLC, to release the remaining financial security for Westgate Campus Phase 1 in the amount of \$55,671.55. Dawood Engineers has performed the final inspection and recommends releasing \$47,320.81 and retaining \$8,350.74 for the 18-month maintenance guarantee.

MOTION: R. Ruman  
SECOND: S. Harlacher  
MOTION PASSED UNANIMOUSLY

- E. 2025-2029 GARBAGE & RECYCLING COLLECTION BID AWARD: Motion to approve awarding the 2025-2029 garbage and recycling collection bid award to Penn Waste in the amount of \$10,261,826.88 over a five (5) year period.

MOTION: G. Margetas  
SECOND: R. Ruman  
MOTION PASSED UNANIMOUSLY

- F. ORDINANCE 24-05 JUNK & DEBRIS: Motion to approve Ordinance 24-05, updating the previous Ordinance regarding junk and debris for the Township.

MOTION: R. Ruman  
SECOND: S. Harlacher  
MOTION PASSED UNANIMOUSLY

- G. ESTABLISH FINANCIAL SECURITY ESTIMATE FOR T-887 PRELIMINARY/FINAL LAND DEVELOPMENT PLAN FOR PINE CREEK STRUCTURES 4545 W. MARKET STREET: Motion to approve a request from Joseph Stein, Civil Project Director of Warehaus, to accept the proposed financial security estimate in the amount \$369,567.61 for the public improvements associated with the conditionally approved preliminary/final land development plan for Pine Creek Structures. Dawood Engineers has reviewed the estimate and found it acceptable.

MOTION: G. Margetas  
SECOND: R. Ruman  
MOTION PASSED UNANIMOUSLY

### **ADMINISTRATIVE REPORTS:**

- A. RECREATION DIRECTOR: Director Trimmer's report was reviewed. Director Trimmer announced the fall newsletter will be arriving at residents' home soon. Trimmer also announced that at the August 21<sup>st</sup> Parks & Recreation Advisory Committee meeting members made a recommendation to appoint Dylan Smith into the open member position. Mr. Smith would take over Don Gable's term, which would end on December 31<sup>st</sup>, 2026. A motion was made by Vice-Chairman Ruman and seconded by Chairman Harlacher to appoint Dylan Smith into the open member position on the Parks & Recreation Committee effective immediately with the term ending on December 31, 2026. All Board members agreed. No other questions were asked.



- B. FINANCE DIRECTOR: Director Whittaker's report was reviewed. Whittaker announced the new phones for the Township are in and should be installed within the month. He also informed the Board that budget work has begun. No further questions.
- C. FIRE CHIEF: Chief Laughman's report was reviewed. No further questions.
- D. POLICE CHIEF: Chief Snyder's report was reviewed. Chief Snyder gave a final report on the fair, and shared it was another success. He thanked all those in the department, as well as neighboring departments for their help. No further questions.
- E. TOWNSHIP MANAGER: Manager Kelch's report was reviewed. No further questions.
- F. ENGINEER: Engineer Niederoest report was reviewed. No further questions.
- G. ZONING OFFICER: Officer Sampere's report was reviewed. Officer Sampere updated the Board on the dangerous building located at 4320 West Market Street. The owner is trying to fix it up and will be applying for permits to do so soon. No further questions.
- H. SOLICITOR: Solicitor Herrold's report was reviewed. No further questions.
- I. PUBLIC WORKS DIRECTOR: Director Shaw's report was reviewed. No further questions.

**STORMWATER MANAGEMENT/MS4**

Zoning Officer Sampere noted that the Township's MS4 Storm Water Inspector is available Monday through Friday 8 a.m. to 4:30 p.m. to answer any questions related to storm water management.

**BILLS**: Motion to pay bills as presented:

<u>FUNDS</u>	<u>CHECK NO.</u>	<u>AMOUNT</u>
General Fund	35699-35821	\$ 474,220.61
Liquid Fuels	1517-1539	\$ 33,284.52
Sewer Fund	6189-6220	\$ 60,251.77
Payroll #16 Pay Ending 07/27/24	Paytime Vouchers	\$ 128,626.27
Payroll #17 Pay Ending 08/10/24	Paytime Vouchers	\$ 122,340.22

MOTION: R. Ruman  
 SECOND: S. Harlacher  
 MOTION PASSED UNANIMOUSLY

**ADJOURNMENT**:

Motion to adjourn the meeting at 8:02 p.m.

MOTION: S. Harlacher  
 SECOND: G. Margetas  
 MOTION PASSED UNANIMOUSLY