

**GENERAL MUNICIPAL AUTHORITY OF THE TOWNSHIP OF MANHEIM
FRIDAY OCTOBER 16, 2020 MINUTES**

A Roll Call:

The regular meeting of the General Municipal Authority of the Township of Manheim was held on Friday, October 16, 2020 at 7:30 a.m. at the Manheim Township Municipal Building, 1840 Municipal Drive, Lancaster, Pennsylvania. Authority members present were: J. Michael Flanagan, James Lombardo, Sam Mecum, M. Dale Weaver and Ben Webber. Also present was William C. McCarty, Esquire, Township Manager-Secretary Sean P. Molchany and Jennifer L. Steigelman, Finance Director.

The meeting was called to order by Mr. Lombardo. He led all in attendance in the Pledge of Allegiance. Mr. Lombardo mentioned the Authority held an executive session on July 17, 2020 to discuss litigation.

Public Comment: There was no public comment.

Minutes:

It was noted Mr. Harter was mistakenly listed as being at the July 17, 2020 meeting. Mr. Webber moved to approve the minutes of the July 17, 2020 regular meeting the noted change. Seconded by Mr. Mecum. Motion carried unanimously.

Financial Reports:

Ms. Steigelman presented the final financial reports for 1st and 2nd quarters of 2020 and the preliminary financial reports for July, August and September 2020. Mr. Mecum moved to approve the final and preliminary financial reports. Motions seconded by Mr. Weaver. Motions carried unanimously. Ms. Steigelman is researching whether the Authority needs to continue to carry the surety bond and will update her findings at the next meeting. There was a brief discussion regarding the surety bond.

Invoices for Approval for Payment:

On a motion from Mr. Flanagan and seconded by Mr. Mecum, the invoice from Barley Snyder, LLC in the amount of \$540.00 was approved for payment. Motion carried unanimously.

Presentations/Public Hearings:

Ms. Steigelman reviewed the 2019 audit report with the Authority. Ms. Steigelman explained the difference between the quarterly reports and the audit reports. There was some discussion regarding the bonds mistakenly identified in the audit report as the Authority's bonds instead of the Township's bonds. Ms. Steigelman and Mr. McCarty will work together to make sure the report is revised to correctly identify the bond ownership.

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Old Business: There was no old business.

New Business:

Northwest Pumping Station

Mr. Molchany shared the State is requiring Lancaster City, as the operator, to provide a secondary emergency power source to the Northwest Pumping Station. The City requested the Authority, as the owner of the property, install the required generator. While the Authority built and still owns the station, the City, as the operator, is responsible for its maintenance. After consulting with Mr. McCarty, Mr. Molchany and Phil Mellott, Director of Public Works, met with the City representatives to present the Authority's position, based on this legal interpretation of the agreement. At this point the Authority is not required to take any action.

Landis Homes Retirement Community's Private Waterline

Joseph Stahl, owner of Harvest Lane Farm Market, contacted Landis Homes Retirement Community, to request permission to tap into their private water line. The State informed Mr. Stahl the Market's well water supply is not meeting their water quality requirements. In order to build their private water line, Landis Homes acquired easements from the Stahl property. Both Mr. Mellott and Mr. Molchany reviewed the agreement between the Authority and Landis Homes and concluded there is no restriction to Landis Homes allowing Mr. Stahl to tap into their private line. Mr. Molchany asked the Authority to decide if they would like this request and the agreement reviewed by Mr. McCarty. Another issue may be whether the City will allow the installation of a meter on this private line.

Mr. Flanagan was a member of the Authority at the time Landis Homes requested permission to install this line and he shared the following history. For the purposes of restricting development in the Agricultural Zone, the Authority made it clear they would not sanction the use of this private water line for any other purpose or use other than to provide the required potable water supply to Landis Homes. It is Mr. Flanagan's belief that allowing the water line to be opened to Mr. Stahl's use at his market will open the possibility of future requests for access to public water by other property owners within the agricultural zone. This will effectively condemn this ag zone.

Mr. Weaver understands the Harvest Lane Farm Market makes it viable for the Stahl's to continue to farm not just their land, but also other farmland. While he agrees with Mr. Flanagan that the ag zone must be protect, this is a water line which already exists and is already on the Stahl property. He would be willing to consider and support. He went on to state the Stahl's have owned and farmed this land for four generations; and the size of their market cannot be increased under the current zoning regulations.

Mr. Molchany explained, while there does not appear to be any restrictions in the agreement to prevent Landis Homes from allowing this tap-in, the parties still need the City's approval. The City will require a meter and will probably not allow a meter on the private line. The

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question is will Landis Homes agree to allow the tap-in and then meter and bill for the usage. Mr. Molchany is anticipating Landis Homes asking for the Authority's approval to allow this tap-in. The questions before the Authority are, do they wish to authorize Mr. McCarty to review the agreement and/or will the Authority give their approval for this request.

Mr. Flanagan explained Landis Homes was already in existence when they approached the Authority to allow the installation of the water line through the ag zone as they were facing closure if they could not. He further argued Mr. Stahl built his market knowing the water situation. It is his belief that the market goes beyond the intent of the ordinance and this is development creep.

Mr. Webber asked if Mr. Stahl could install a water treatment system to meet the State's requirements. Mr. Molchany did not know, but thought it would be costly, certainly more than tapping into the water line. While he agrees with Mr. Flanagan's concerns for the ag zone, Mr. Webber believes the interpretation or enforcement of the zoning ordinance falls outside of the Authority's purview.

Mr. McCarty stated if the Authority could reach an agreement with the two parties involved, this might be an opportunity to state the Authority's position and discourage any further requests.

It was noted this water line only runs through property owned by the Stahl family and most of the property's TDR's were already sold so the property is protected from development.

Mr. Flanagan announced he was leaving the meeting at 8:35 a.m. If the Authority votes on this issue, he is not favor. Mr. Flanagan also announced he will be leaving the Authority effective the end of the year as he is moving out of the Township

Mr. Lombardo announced he will not be serving another term, so this is his last meeting with the Authority. There was discussion on whether an Authority member must be a resident of the Township.

The Authority agreed to a course of action to request Mr. Stahl reimburse the Authority for the cost of legal council's review of the agreement and easement to Landis Homes so the Authority can make an informed decision on this matter. Further if the Authority should enter into a three-party agreement then the Authority will want to restate the spirit of the original agreement.

Correspondence/Other Business: There was no correspondence or other business.

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Adjournment:

There was a brief discussion of the process to replace Mr. Flanagan and Mr. Lombardo in January.

There being no further business, on a motion by Mr. Webber, seconded by Mr. Weaver, it was moved to adjourn the meeting at 8:06 a.m. Motion carried 4-0.

The next meeting will be Friday, January 15, 2021 at 7:30 a.m.

Respectfully submitted,

Sean P. Molchany
Recording Secretary