

WINDSOR TOWNSHIP BOARD OF SUPERVISORS

April 6, 2009

1. The meeting of the Windsor Township Board of Supervisors was called to order at 7:00 p.m. by Chairman Paul Smith.

Those present: Paul Smith, Jan Smith, Dean Heffner, Attorney Charles Rausch, Jennifer Gunnet, Jeremy Trout and Deanna Coble. See the attached list of citizens present.

2. The Pledge of Allegiance was recited.
3. On the motion of Jan Smith seconded by Dean Heffner, the minutes from the March 16, 2009 and March 19, 2009 meetings were approved. Motion carried. Three votes yes.
4. The following items of correspondence were presented:

- A. Mrs. Gunnet advised that any Form U applications that had been received from Modern Landfill would be on the counter in the rear of the room.
- B. Mrs. Gunnet advised that the Township has received a letter from the Federal Emergency Management Agency regarding the changes to the flood map. There were no appeals so the map will become effective September 25, 2009. She stated that the next step is to make sure that the Township's Flood Plain Ordinance complies. She stated that a copy of current ordinance was sent to PEMA in December. They are to be reviewing it to see what may need to be changed.

Mr. P. Smith advised that he would like to make note that he received the same information at his home that was sent to the Township office.

- C. Mrs. Gunnet advised that she has received a copy of the Audit for the Felton Volunteer Firefighter's Relief Association for the period of January 1, 2004 to December 31, 2006 from the Auditor General. The Board has a copy of the report. Mrs. Gunnet stated that there were three findings which the Association will be addressing.
- D. Mrs. Gunnet advised that she has received a letter from the York County Office of Emergency Management informing the Township that they will be holding a Public Officials meeting on Thursday, April 30th at 7:00 p.m. at the new 911 Center. She asked the Board to let her know if they plan to attend.
- E. Mrs. Gunnet advised that she has received an invitation from the Laurel Fire Company for their Appreciation Dinner which will be held on Saturday, May 9th. She asked the Board to let her know if they plan to attend.

- F. Mrs. Gunnet advised that she has received a notice from Comcast regarding channel lineup changes. She stated that the Music Choice channel on digital cable will be upgraded on April 15th and changes will be made to the PBS stations on April 14th. She added that on May 4th, two sports channels will be added.
 - G. Mrs. Gunnet advised that she has received a memo from Representative Stan Saylor noting that he has introduced legislation to increase when prevailing wage rates are required. He is proposing to have it increased from \$25,000 to \$185,000. It was noted that the Township has previously sent letters to Representative Saylor which would support this legislation.
 - H. Mrs. Gunnet advised that she has received a copy of a study on the Overview of York County housing trends from the Realtors Association of York and Adams Counties. She stated that it shows that housing sales are down in Windsor Township. She added that a copy of the study is available for review.
 - I. Mrs. Gunnet advised that the York County Planning Commission will be holding their 50th Anniversary Celebration on May 13th at the White Rose Room. She asked the Board to let her know if they plan to attend.
 - J. Mrs. Gunnet advised that she has received an invitation from the Yoe Fire Company for their Appreciation Dinner which will be held on Saturday, April 25th. She asked the Board to let her know if they plan to attend.
5. Windsor Township Fire & Rescue Association – No one was present.
- A. Loan Agreement – Felton Fire Company – Mrs. Gunnet advised that she has received the signed loan agreement back from Felton Fire Company. The loan will be in the amount of \$90,000 toward the purchase of an attack truck. On the motion of Jan Smith seconded by Dean Heffner, the Board approved the loan agreement with Felton Fire Company. Motion carried. Three votes yes.
6. York Area Regional Police Department – No one was present.
- A. Mr. P. Smith advised that the Monthly Report for February is available for review.
7. Kevin Downs – Spring Valley Pool – Mr. Downs advised that he lives in the Indian Springs development which is across the street from Mr. Pasch's proposed development on the Spring Valley Pool Site. He stated that he does not have anything personal against Mr. Pasch but does not want the development. He stated that he is in the process of creating a website dealing with

this proposed development. He noted that he has created a petition that has been signed by over 200 people opposed to the development. He added that he has hired legal counsel.

Mr. Downs advised that he is concerned with the amount of traffic this new development could create. He stated that the road cannot handle the current amount of traffic. He commented that he has contacted the Red Lion Area School District and has found out that the Transportation Department was aware of this development.

Mr. Downs stated that the Board is supposed to represent the people of the Township and they do not want this development. He stated that the pool is a safe place for parents to take their children. He advised that he will be turning his petition into the Township on Monday, April 13th.

Mr. J. Smith noted that Mr. Downs did not feel the road could handle the current traffic. He asked if he had any facts or figures to support this claim. Mr. Downs advised that he had explored the possibility to install a carwash near the Sheetz at the intersection of Cape Horn Road and Lombard Road. He stated that LMS has done traffic studies that proposed four lanes of traffic from the site of the WalMart that the Board approved to the Sheetz. He added that land will need to be taken by eminent domain. Mr. J. Smith advised that the Board has not approved the WalMart. Mr. Downs stated that he thought that WalMart had submitted plans to PennDOT and that was the only thing holding them back from building. Mr. Heffner added that Cape Horn Road is a State Road. Mr. J. Smith stated that the Township cannot stop the widening of Cape Horn Road.

Mr. Downs stated that he feels that this property was rezoned with the intent to have townhouses built. Mrs. Gunnet advised that this property was rezoned in December of 1998. Mr. Downs stated that he filled out a right-to-know form and dropped it off at the office so that he could obtain this information. Mrs. Gunnet advised that she is the Right-To-Know officer and she did not receive the form. Mr. Downs will submit another request.

Mr. Downs stated that he is aware that Mr. Pasch needs two entrances and Mr. Stoltzfus will not sell his adjoining property to him. Attorney Rausch asked if Mr. Downs' intent is to have the pool preserved if the development does not go through. Mr. Downs stated that he would like to have it preserved. Attorney Rausch noted that if the zoning would not have been changed, the property would have still been able to be subdivided as it was previously zoned R-1. Mr. Downs stated that he is concerned with traffic, preserving the pool and the overcrowding of the schools. He asked the Board to take his concerns under advisement.

8. Elmer Fromm – Emergency Management Coordinator:

- A. Monthly Reports – February & March – Mr. Fromm went over the figures on training hours. He added that they are still working on the ECRIN program. He advised that the

County is revamping their Point of Distribution, “POD”, system. He stated that this is a program that creates stations at local high schools where people can pick up supplies in the event of an emergency. Mr. Fromm stated that there is also a program in the works to determine where temporary landfill sites could be located in the event of a cleanup after a disaster. He noted that there will be tabletop training for a disaster to be held in the future. Mr. Fromm also added that there will be more training on the radio system.

Mr. J. Smith asked what happens if hazardous materials would be dumped in one of the temporary landfill sites. Mr. Fromm advised that everything is separated prior to be dumped at the site.

9. Solicitor:

- A. Deed of Dedication for Pump Station at Windsor Commons – Attorney Rausch advised that in 2002 the Board accepted the dedication of the Chapel View Pump Station with the condition that the Township receives the deed. He stated that the deed has now been received and it will be recorded.
- B. Stapleton – Open space issue – Attorney Rausch advised that when the Stapleton development was approved, the existing house was not discussed. The Township thought that it was vacant but Keystone Custom Homes has been renting it. It was brought to the Township’s attention because a complaint was received against the tenant. Because the area where the house is located is open space, the house may not be lived in. Attorney Rausch advised that Keystone Custom Homes was notified and a citation was filed with the District Magistrate. He stated that he and Mr. Allison have met with representatives from Keystone Custom Homes to discuss the matter. The current lease runs until June 20th. He stated that Mr. Allison has agreed to allow them to rent the property until the end of this lease and then it must be vacated. He also feels that Keystone should be responsible to cover the filing fees for the charges. Attorney Rausch asked if the Board would like to handle it in this manner or differently. The Board agreed with Mr. Allison’s decision.

10. Township Engineer – There was no discussion.

11. Public Works:

- A. Mr. P. Smith advised that the Board has received the monthly report for April. He asked if they had any questions.

Mr. J. Smith advised that if Mr. Trout is going to visit North Londonderry Township to view equipment, he would like to attend. Mr. Heffner stated that he may be interested in

attending as well. Mr. P. Smith commented that he thinks that it is important to have all of the employees involved when discussing the purchase of equipment.

Mr. Trout stated that he has found out that there will be a Public Works Symposium at Convention for him to attend. Mrs. Gunnet explained that when she had contacted PSATS about the symposium for the Public Works Department, she was told that they would not be having one. She commented that she has found out that there will now be a session and Mr. Trout and Mr. Dietz will attend. Mr. P. Smith asked why Mr. Dietz will attend. Mrs. Gunnet advised that he has attended in years past and it is valuable for him to view new products and equipment. Mr. P. Smith stated that if the Public Works Director feels that there are issues with project timeframes, he does not feel that Mr. Dietz should attend. Mr. Trout stated that he helps to give input on the equipment. Mr. P. Smith stated that the equipment purchases for this year have been determined. The Board agreed for only Mr. Trout to attend.

- B. **Replacement of truck bed on DT94** – Mr. Trout advised that the Board has received the quotes on the replacement of the truck bed on the 1994 Dump Truck. Mr. Trout commented that the quotes also contain the cost for the installation. Mr. Heffner stated that the new Public Works Building has adequate room to allow the Highway Department to install the bed. Mr. Trout stated the Highway Department can do the work. He wanted to give the Board the option. Mr. P. Smith added that the repair bay was made bigger to allow for a project like this. Mr. Trout advised that the lowest bidder without installation is U.S. Municipal. The cost for the bed is \$4,136.25. This does not include the cost for the strobe lighting and cutouts which he estimated at \$350. Mr. J. Smith asked how long it would take to install the new bed. Mr. Trout stated that it would take two employees about one week. Mr. J. Smith commented that this would cost about \$2,500. Mr. P. Smith stated that based on that amount, it would still be a savings for the Highway Department to do the installation. **On the motion of Jan Smith seconded by Dean Heffner, the Board approved the purchase of the bed, cutouts and strobe lights from U.S. Municipal. Motion carried. Three votes yes.**
- C. **Joint line painting bid results** – Mrs. Gunnet advised that the bid results are attached to the Board's agenda. She stated that Newberry Township was responsible for the bid paperwork. The low bidder is **PSX, Inc.** She stated that this is the same company that was used last year. **On the motion of Jan Smith seconded by Dean Heffner, the Board awarded the bid to the low bidder. Motion carried. Three votes yes.**
- D. Road materials bid results – Mrs. Gunnet advised that the Board has a copy of the bid results. She stated that the low bidder for **stone is County Line Quarry.** She noted that the bid was done so that all stone is delivered to the stockpile so that prevailing wage rates will not apply.

The low bidder for **blacktop is Kinsley Construction**. She stated that we have had issues with them in the past. Mr. Trout advised that Lower Windsor Township used them last year so he contacted them to see how their product and services rated. He stated that they had no problems. The pickup location is near the Central York High School. Mrs. Gunnet advised that there is too much of a cost difference to have different vendors for pickup and delivery.

Mrs. Gunnet advised that the low bidder for **road oil is Martin Paving**. They have been used in the past.

On the motion of Jan Smith seconded by Dean Heffner, the Board awarded the bid to the low bidders. Motion carried. Three votes yes.

The Board asked how these figures compare to last year. Mr. Trout commented that the cost for oil is lower now.

- E. **Pave-In-Place bid results** – The low bidder for the pave-in-place bid is **Highway Materials**. Mr. Trout stated that this company was used last year and did good work. He added that the bid is under budget. **On the motion of Jan Smith seconded by Dean Heffner, the Board awarded the bid to the low bidder. Motion carried. Three votes yes.**
- F. Husson Road bridge – Mr. Trout advised that PennDEP will be making an on site investigation to determine if the bridge will need to be enlarged. Mrs. Gunnet advised that they have recommended that a weight limit of 5 tons be assessed. She noted that an ordinance will be done. Mr. Trout stated that the meeting went well with North Hopewell Township. Mrs. Gunnet noted that there are not funds in this year's budget for this project for either Township so it would be a project for 2010.
- G. Information on Blue-Tek – Mr. Trout advised that C.S. Davidson has prepared a report on the Blue-Tek product. Mr. P. Smith asked how much was put into the bid for this product. Mr. Trout advised that it was \$450,000 but it was worded so that portions could be dropped. Mr. P. Smith asked what this is in lineal feet. Mr. Trout stated that it would be approximately 9,000. Mr. P. Smith commented that the references are fine but there is only a two year history on the product. Mr. Trout stated that you can receive results after one and a half years. He noted that he feels that this is a good product and a lot of research has been put into it.
- H. Mr. P. Smith asked if there are any new issues with the Public Works building. Mr. Trout stated that some of the sides on the trench drains are breaking where concrete was poured

around them. He stated that a representative from the company will be coming on site. It could be an issue with the installation.

Mr. P. Smith asked what Mr. Stitz's thoughts are on the louvers. Mr. Trout stated that he will be getting the specifications to him so that he can review them.

12. Public Works Building:

- A. **Payment request – Shannon Smith – H-7 (Final) – \$5,356.91** – Mr. P. Smith advised that Shannon Smith is requesting their final payment. Mrs. Gunnet stated that all their work is completed. **On the motion of Jan Smith seconded by Dean Heffner, the Board approved payment H-7 to Shannon Smith in the amount of \$5,356.91. Motion carried. Three votes yes.**
- B. **Purchase of ice machine** – Mrs. Gunnet advised that she has received quotes from Clark Food Services for the purchase of an ice machine. The price is based on the State Contract. She stated that the quotes are for two different sizes. The one also includes a filter system for the same price. **On the motion of Jan Smith seconded by Dean Heffner, the Board approved the purchase of an ice machine with a filter system in the amount of \$1,720. Motion carried. Three votes yes.**

13. Other Business:

- A. Update on comments regarding Red Lion Area School District and Spring Valley Pool – Mrs. Gunnet advised that at the previous meeting, Kevin Downs had reported that the Red Lion Area School District was not aware about the proposed development on the Spring Valley Pool site. She stated that she contacted the School District regarding this comment to verify that they did know. She stated that the Transportation Department was aware of this proposed development but Dr. Herron did not personally know about it.
- B. Mr. P. Smith advised that the Board has received the Township Manager's Report for March. Mr. J. Smith told Mrs. Gunnet that she did a god job and it was what he was looking for.
- C. Mr. P. Smith advised that the Windsor Area Recreation Commission will be holding their Chicken BBQ & Yard Sale on Saturday, April 25th from 8:00 a.m. to 1:00 p.m. at Freysville Park. The cost for the chicken is \$7.50.
- D. Internet bidding – Mrs. Gunnet advised that Mr. J. Smith had requested that this be added to the agenda. She stated that she is not aware of anyone who advertises on the internet. She added that there is a site called MunicibiBid that can be used to sell an item. Mr. P.

Smith stated that this might be a good site to advertise the elevator. Mrs. Gunnet commented that the elevator was not sold because it would not fit for the church that was interested. It was the consensus of the Board to advertise the elevator for sale through MunciBid.

- E. **Resolution No. 09R-04-01 – Municipal Records Manual** – Mrs. Gunnet advised that on December 16, 2008 a new manual for record retention was approved. It is suggested that based on the new right-to-know law, a Manual be approved for the Township that outlines a time frame to keep records. A resolution is required to do this. She noted that another resolution will need to be prepared stating what is being destroyed. **On the motion of Jan Smith seconded by Dean Heffner, the Board approved the Resolution No. 09R-04-01. Motion carried. Three votes yes.**
- F. **Ordinance No. 09-04-01 – Establish speed limit on Christensen Road** – Mrs. Gunnet advised that a traffic study was completed and has recommended a speed limit of **25 mph** for Christensen Road. **On the motion of Jan Smith seconded by Dean Heffner, the Board approved the Ordinance. Motion carried. Three votes yes.**
- Mrs. Gunnet advised that the Township had received a request for a four way stop on Milner Drive. The traffic study has come back that it is not warranted.
- G. **Resolution No. 09R-04-02 – Authorization to participate in an Electronic Assess License Agreement with PennDOT** – Mrs. Gunnet advised that the Board had previously approved an Agreement and a Resolution to participate in online filing of reports but they were received more than 60 days apart. Therefore, it must be reapproved. **On the motion of Jan Smith seconded by Dean Heffner, the Board approved the Resolution. Motion carried. Three votes yes.**
- H. Mr. P. Smith advised that the next public meeting for the Joint Comprehensive Plan will be held on Tuesday, May 5th at 7:00 p.m. at the Township Office.
- I. Mr. P. Smith advised that the Board of Supervisors meeting scheduled for April 20th has been cancelled due to a conflict with the State Convention.
- J. Negotiation of cable franchise agreement – Mrs. Gunnet advised that the York County Manager's Association has done a survey to find out when each municipality's franchise fees expire. It has been determined that quite a few expire in 2011. If these municipalities go together, a better price may be obtained for the renegotiation of the agreement. She stated that they have had attorneys present at the meetings. Stock and Leader has quoted \$2,500 per municipality. Cohen Telecommunication Law Firm has quoted \$5,250 per municipalities for two to five contracts and \$4,725 per municipality for 6 to 10. She noted

that although this company is priced higher, they specialize in this type of work. Mr. J. Smith asked how it would benefit the Township. Mrs. Gunnet stated that it would provide better bargaining power. She stated that she has started a list of items that she would like to have included. Mr. P. Smith asked what percentage the Township would get for franchise fees. Mrs. Gunnet advised that the highest amount is 5% which the Township is getting now. The Board asked Mrs. Gunnet to provide them with a list of items requested.

K. Wage Rate Policy – **On the motion of Jan Smith seconded by Dean Heffner, the Board approved the Wage Rate Policy. Motion carried. Three votes yes.**

L. Mr. P. Smith advised that the Dog Officer's report for March is available for review.

14. Unfinished Business:

A. Panorama Hills Pump Station Update – Mrs. Gunnet advised that Keystone Custom Homes would like the project to move forward and would like to buy into the contract. She stated that they would like to have a meeting with Attorney Rausch, Mr. Reichard, Mr. Trout, a representative from the Board and herself to discuss this. A tentative date has been scheduled for May 28th. Mr. J. Smith asked if Mr. Holweck has been contacted. Mrs. Gunnet advised that he has but she has not heard back. She commented that it would save him money if Keystone was to contribute. The Board agreed for Mr. Heffner to attend.

B. Joint Stormwater Drainage Study – There was no update.

C. Drainage at Freysville Park, Field #1 – Mr. Trout advised that the work has been put into the Highway Department schedule.

D. Verification of building setback compliance – Mr. Allison is working on this.

E. Possible land purchase – Mr. P. Smith advised that an Executive Session will be held after the meeting to discuss this matter.

15. Public comment – There was none.

16. Mr. P. Smith asked the Board if they had any comments. Mr. Heffner did not have any comments.

Mr. J. Smith questioned some of the new legislation that PSATS is supporting. Mrs. Gunnet advised that she did not review it yet. Mr. P. Smith commented that he did not feel that it applied to the Township.

Mr. J. Smith thanked Mrs. Gunnet and Mr. Trout for their reports in the new format.

Mr. P. Smith stated that he wants to make sure that the Township is involved and in compliance with Act 124.

17. On the motion of Jan Smith seconded by Dean Heffner, the bills were approved. Motion carried. Three votes yes.
18. The meeting of the Windsor Township Board of Supervisors recessed into an Executive Session at 8:19 p.m. to discuss the possible purchase of land.
19. The meeting reconvened at 8:49 p.m. **On the motion of Jan Smith seconded by Dean Heffner, the Board approved the purchase of approximately 19.44 acres of land from Mark and Tiffany Sowers in the amount of \$300,000, that the Township would be responsible for the cost to prepare the subdivision plan and that Mr. & Mrs. Sowers would be responsible for removing the existing fencing on the property. Motion carried. Three votes yes.**
20. The meeting of the Windsor Township Board of Supervisors adjourned at 8:55 p.m.

Respectfully submitted,

Jennifer L. Gunnet
Secretary

CITIZENS PRESENT

April 6, 2009

Vera Miller	830 Marvell Drive York PA
Gerald Miller	830 Marvell Drive York PA
Elmer Fromm	50 Oak Drive Red Lion PA
Yvonne Emenheiser	1027 Hastings Boulevard York PA
Allen Emenheiser	1027 Hastings Boulevard York PA
Bobbie & Bud Zimmerman	860 Zimmerman Road Red Lion PA
Charles Wilson	1105 Windsor Road Red Lion PA
Charles Silar	1500 Windsor Road Red Lion PA
J. LaRue Harvey	142 Meadow Hill Drive York PA
Kevin E. Downs	229 Navajo Drive Red Lion PA
Mark Sowers	195 Shaw Road Windsor PA
Tiffany Sowers	195 Shaw Road Windsor PA
Larry Haas	5 Sheldon Drive Red Lion PA