

WINDSOR TOWNSHIP BOARD OF SUPERVISORS
September 21, 2009

1. The meeting of the Windsor Township Board of Supervisors was called to order at 6:00 p.m. by Chairman Paul Smith.

Those present: Paul Smith, Jan Smith, Dean Heffner, Attorney Charles Rausch, Jennifer Gunnet, Jeremy Trout, Kipp Allison 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 August 17, 2009 meeting 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 book from the Federal Energy Regulatory Commission asking for comments on the environmental effects of the proposed Texas Eastern transmission line. The book includes maps and information on soil erosion. The comment period will be open until October 13th in which letters can be sent with alternatives.
 - C. Mrs. Gunnet advised that an invitation has been received from the Red Lion Community Services for their Open House which will be held on Tuesday, September 22nd from 3:00 p.m. to 6:00 p.m. They have relocated to First Avenue in Red Lion.
 - D. Mrs. Gunnet advised that she has received the proposed **2010 budget from the Windsor Area Recreation Commission**. She stated that they are proposing a 3% increase which is the maximum that they can do without obtaining an exception from the Township and Windsor Borough.

Mr. P. Smith asked why the Township and WARC are not sharing newsletters. Mrs. Gunnet advised that the timeframes for the most recent publications did not correspond. Mr. P. Smith commented that if the newsletters were combined, this would save the 3% that they are requesting. He stated that the Township needs to watch spending and does not agree with this proposed increase. He added that he feels that WARC can operate without an increase. Mr. J. Smith advised that he does not feel that there should be any increase. **On the motion of Jan Smith seconded by Dean Heffner, the Board denied the 3% increase and recommended no increase. Motion carried. Three votes yes.**

- E. Mrs. Gunnet advised that she has received a letter from the Windsor Area Recreation Commission listing their two to three year ambitions. One of the concerns is the number of fields available. She stated that they are in need of baseball and soccer fields as well as a field for a lacrosse program that they would like to have in the future. Mr. P. Smith commented that he is disappointed in this letter. He stated that he had been requesting this for six months. He questioned if they had looked into the fields that the Township will be receiving, adding that once received he thinks there will be enough fields. Mr. P. Smith stated that he feels that the fields for t-ball were adequate since there is a contract with the school district. Mrs. Gunnet noted that next fall the fields will be available for use at Larry J. Macaluso Elementary. Mr. P. Smith stated that perhaps they need to rethink what they need. Mrs. Gunnet advised that Miss Ashby would like to expand programs. She stated that she will draft a response and have the Board review it before sending it to WARC.
- F. Mrs. Gunnet advised that she has received a letter from the Directors of Bethlehem Cemetery Association thanking the Township for reconstructing the drainage area at Bethlehem Church and Springvale Roads.
- G. Mrs. Gunnet advised that she has received a letter from the York County Planning Commission requesting support for the PA Wayfinding Signage Program. She stated that they supply the blue and brown tourist signs that are posted along roadways. They are only looking for support of the program, not a financial commitment. It was the consensus of the Board to send a letter of support.
- H. Mrs. Gunnet advised that she has received an invitation from the York County Association of Townships of the Second Class for their annual County Convention which will be held on November 12th. She asked the Board members to let her know if they plan to attend.
- I. Mrs. Gunnet advised that she has received a letter from the Red Lion Area School District requesting payment for half of the excavation costs for the athletic fields at the Larry J. Macaluso Elementary School. The second half will be billed in 2010. She added that the fields will be available for use in September 2010.
- J. Mrs. Gunnet advised that she has received a letter from Yoe Ambulance Association notifying the Township that they have been inspected by the Department of Health and their EMS license has been renewed for three years.
- K. Mrs. Gunnet advised that the 911 Center will be having an open house on October 3rd from 12:00 p.m. to 6:00 p.m. The Board is invited to attend. No RSVP is necessary.

- L. Mrs. Gunnet advised that the Township has received a request from Cheryl Angelo for a Temporary Liquor License. She is the Chairwoman for the 100th Anniversary of St. Joseph RC Church and they are planning to hold a Gala Dinner Dance at Wisheaven Banquet Hall. Mr. Allison explained that they have applied to the Liquor Control Board and are requesting a temporary Liquor License. They are required to have a letter of support from the Board. They are planning to have 250 to 300 people at the event. Mr. Heffner advised that although the Board had approved this once before, he is not in favor of it. He noted that the liquor referendum did not even make it to the ballot last fall. Mr. J. Smith and Mr. P. Smith agreed. It was the consensus of the Board to not support the request. Mr. Allison will send a letter.
5. Windsor Township Fire & Rescue Association – Dave Bardo advised that the association will be holding a presentation during fire prevention week on October 3rd from 10:00 a.m. to 2:00 p.m. at Windsor Commons Shopping Center.
6. York Area Regional Police Department – Officer Sampere advised that he did not have anything to report. There were no questions from the audience. Mr. J. Smith asked if he knew anything about the new paint scheme on the cruisers. He did not.
 - A. Mr. P. Smith advised that the Monthly Report for July is available for review.
7. Emergency Management Coordinator – Mr. Fromm advised that he and his two deputies have completed their advanced certification training and have applied to PEMA and he feels there should be no issues having it approved. He added that now that this training is complete, the overall training hours will decrease.

Mr. Fromm advised that on August 18th, Neff Road was out of electricity and there was an elderly gentleman who became sick and did not want to go to the hospital. He noted that there was nothing that the Township could have done so he worked with the ambulance company. He stated that he did notify Mrs. Gunnet and County Control of the situation.

Mr. Fromm advised that there are approximately 90 people registered in the ECRIN program. He will be out with the fire association for their presentation in October at Windsor Commons. Mr. P. Smith asked what time that will be held. Mr. Fromm stated that it is from 10:00 a.m. to 2:00 p.m. Mr. P. Smith noted that this is the same day as the open house at the public works building and asked if he would be able to have someone stationed there as well. Mr. Fromm advised that that he will see that someone attends.

- A. The monthly report for August is available for review.

B. Approval to purchase supplies & equipment – Mr. Fromm advised that they would like to purchase three pagers at a cost of \$85 each. He stated that these pagers are able to pick up different stations. He stated that they would also like to purchase flashlights at a cost not to exceed \$140. On the motion of Jan Smith seconded by Dean Heffner, the purchases were approved at the amounts quoted. Motion carried. Three votes yes.

8. Robert & Ruth LaChance – Windsor Meadows – Ruth LaChance, 20 Centre Court, advised that she is concerned about the intersection of Centre Court and Buckingham Drive. She stated that it is hazardous because of the way it is washing out. She noted that she had contacted the Township and was told that the Township would maintain the intersection since the lots had been sold at a Sheriff's Sale. Mr. Trout advised that he had looked into the situation and the bank now owns the development. He stated that the Township can make improvements to Buckingham Drive to help correct the issues but will not maintain the streets in Windsor Meadows. Mrs. LaChance stated that she understands that Linkous Builders has paid the back taxes and the lots were not sold at Sheriff's Sale. She asked if there is a way that the Township can bill them for work done or cash in their bond. Attorney Rausch advised that there are steps required to collect a bond. Mrs. Gunnet asked how she found out about the cancelling of the Sheriff's Sale. Mrs. LaChance stated that a neighbor in the development had called in to obtain the status.

Mrs. LaChance advised that she understands that the Township has regulations on mowing. She stated that the grass is high in the development and people are dumping on the lots. Mr. Allison advised that he is aware of the situation and has been working with Linkous Builders and their mowing contactor. He stated that he knows that there has been some delay but it was due to the Sheriff's Sale. He added that it has been reported to him that there is dumping but it is typically happening during non-work hours. He noted that he has told everyone he has spoken with to get the license plate number and call the police.

Mrs. LaChance asked when the lots are sold, if the new owners would still be subject to the regulations from the Homeowners Association. Attorney Rausch advised that if it is in the deed, it would be required. Mrs. LaChance commented that she is concerned about the improvements for the lots. Mr. P. Smith noted that the Township cannot enforce deed restrictions. Attorney Rausch, Mrs. Gunnet and Mr. Trout will follow up on the concerns.

9. **Preston Chronister – Waiver of as-built requirement in the Building Permit Ordinance** – Doug Schmidt, 617 Pershing Avenue, advised that he is the property owner. He stated that he is requesting a waiver for a site plan, to replace and construct a 6' extension to his porch. He showed the Board plans for the porch noting that his house is located in the middle of 3.6 acres. Mr. Schmidt advised that he has contacted James Holley & Associates to create a site plan and they have quoted him \$2,000. He stated that he understands the need for a site plan for smaller lots but not in cases like his.

Mr. J. Smith stated that these regulations were created because people were not following the regulations. He noted that he has just completed the same process to place a roof over his patio. He commented that he feels everyone needs to be treated the same and he is not in favor of granting a waiver. Mr. Schmidt stated that he contacted his attorney and was told that waivers could be granted on a case by case basis and it would not set precedence.

Preston Chronister advised that he feels that this requirement could cause a time issue when the economy returns. He stated that when he spoke with an engineer, they told him that they work on larger projects first and it could take 6 to 8 weeks to have a survey done. Mr. J. Smith asked him if he thinks it is wrong to have a survey done to ensure that the work is done properly. Mr. Chronister stated that it should be built correctly. Mr. J. Smith added that he does not see a few weeks being an issue. Mr. Chronister stated that most of the work is seasonal and could have an effect. He advised that Springettsbury Township requires stakes to be set and their inspectors check them and require a survey if it is close to a property line. He commented that he feels it is wrong that all residents should be penalized.

Mr. Allison advised that York Township has a program similar to the Township's. He stated that for larger properties, the Township is looking for the certification that the proposed project is in excess of the setback. He noted that the Township received a site plan for a property that is 30 acres in size and was told that the cost was \$1,500. He advised that he is not a surveyor and cannot verify property lines. Mr. Allison stated that he is not aware of Springettsbury Township's process but it sounds like if their inspectors find that it appears too close to a line, the project is stopped in the middle of the process. The Township's process ensures that everything is handled up front. Mr. Chronister advised that he feels this additional cost will affect home improvements because people may not want to spend the extra money.

On the motion of Jan Smith seconded by Dean Heffner, the Board denied the waiver request. Motion carried. Three votes yes.

10. **Perry Cisney – Laurel Vistas – Removal of age restriction** – Perry Cisney advised that he was present at the last meeting to request that the Board allow the removal of the age restriction for Laurel Vistas. He noted that the Board had requested that he obtain written consent from the existing property owners granting their approval of the change. He stated that the Board has a copy of the signoff. He added that Attorney Rausch and Attorney Lobach have worked together to create an agreement between Media Heights and the Township for the removal of the age restriction. Mr. Cisney advised that he is asking for approval from the Board.

Mr. J. Smith stated that he has issues with removing the age restriction. He commented that when the development was approved, the Board permitted the houses to be located closer together and were under the impression that there would be no children in the development. He added that if the age restriction would be removed, he was concerned about the location of a recreational area.

He stated that he would not have a problem if it was converted to a typical development with larger lots. Mr. Cisney advised that the proposed clubhouse would be removed and this area would be used for recreation. Mr. Allison noted that the development would still meet the required 30% open space regardless of the age restriction. Attorney Lobach added that there would still be open space and the lot density would still be the same. Mr. Allison stated that they did not gain houses; the lot size in the Cluster Overlay zone is smaller. Mr. J. Smith advised that he does not feel that the development was designed for children. He noted that there is an age restricted development in the Hanover area that has homes listed from \$130,000 to \$170,000 and they are selling.

Mr. Cisney advised that this is a hilly site and all of the approved lots have already been graded. He stated that the lots would all have to be regraded to accommodate the changing of the lot size. He noted that part of the reason for the higher housing prices is due to cost involved with grading the property. If it would be regraded, this cost would have to be added to the lot cost causing them to increase. He added that the bank would not be in favor of this additional expense. Mr. J. Smith asked what price point he intended to sell homes at if the age restriction is removed. Mr. Cisney stated that he would like to sell them around \$200,000 similar to Chatham Creek.

Mr. Heffner asked if there are trails in the development. Mr. Cisney stated that there are trails proposed but most are located in Phases II and III. Mr. P. Smith asked how many phases are in the development. Mr. Allison advised that there are three. Mr. P. Smith asked if one of the phases could be 55+. Attorney Lobach stated that this is conceivable since the market could change in the future. Mr. P. Smith asked how many lots are in each phase. Mr. Cisney commented that he thought there were approximately 69 in Phase I, 60 in Phase II and 40 in Phase III. He noted that the streets are not installed in Phases II or III so even if he had a buyer over age 55, he could not build in those areas. Mr. Trout added that all of the utilities have been installed for Phase I based on the current layout. If the design were to change, the utilities would also need to be relocated.

Vera Miller, 830 Marvell Drive, stated that she had driven by the development and saw a sign that said there were 13 lots sold. She asked if this is correct. Mr. Cisney advised that it is not correct. He explained that they have 6 homeowners and have had 7 cancellations because people cannot sell their homes. Mrs. Miller asked if the open space includes the retention pond. Mr. Allison advised that it does not. Mrs. Miller stated that she feels it should be kept as 55+ and that Mr. Cisney knew what the land was like before he purchased it. Mr. Cisney advised that he does not have an issue with the land. He stated that he cannot sell homes to this age group because the markets are down and most people have lost home value and money in the stock market. He noted that he did a lot of research before undertaking this project. He stated that he would keep it as is but with the reality of the market, the development could sit empty for years.

Mr. J. Smith questioned what we would be saying to the citizens of Windsor Township if we grant the request simply because the developer cannot make a go of his development. He asked if they should cave in. Mr. Cisney stated that he does not feel that it should be looked at as caving in but

rather as looking at the reality of the current market. He noted that he has spoken with other builders and they are not interested in purchasing the development. He added that he does not feel that the residents would look at the Board negatively if they removed the age restriction. Mr. J. Smith advised that Mrs. Miller has already stated that she is not in favor of the change.

Mr. P. Smith asked if the age restriction could only be removed in Phase I. He stated that when he looks at the consequences of what could happen to the development, he feels it would be more of a liability. He commented that he agrees with Mr. J. Smith and would rather see it as a 55+ development, but rather than make it worse, he would considering granting the removal of the age restriction for Phase I only and see what the market does. Mr. Cisney stated that he still feels that he will be able to sell to the older generation because there will still be one floor living plans available. Mr. Allison asked who will maintain the open space. Attorney Rausch advised that the Homeowners Association will be responsible for that.

Mr. Allison commented that Phase II and III may never happen so we may want to look at just Phase I. Mr. J. Smith asked if there would be an impact to Phases II and III if we approved the removal of the age restriction for Phase I. Attorney Lobach advised that notes can be placed on the plan when Phases II and III are proposed. Mr. Cisney stated that when Phase II is proposed, the clubhouse could be replaced with a recreation center, basketball courts or a playground. Mr. P. Smith commented that if Phase II does not happen, then there would be no trails or recreational area. There was discussion as to whether the clubhouse was proposed for Phase I or Phase II. It was determined that it was in Phase II. Mr. P. Smith asked if the Township should require funds to be paid in lieu of the recreational area. Mr. Cisney advised that he had paid a recreational fee for Phase I. Mr. Allison advised that they would have paid \$250 per lot when the development was created. Mrs. Gunnet noted that the current Recreational Fee is \$1,500 per lot. Mr. Allison suggested that the lot that the clubhouse was to be located on could be seeded and playground equipment be added since it is near the Phase I boundary. Mr. Cisney commented that the Erosion and Sediment Control Plan would cover a playground. It was noted that if Phases II and III would not be completed, it would all be considered one lot. Mr. P. Smith asked if a bond could be required that funding would be provided for recreation if Phase II was not done. Mr. J. Smith stated that if something like that could be done, a timeframe would need to set. Attorney Rausch advised that under the declaration, Phases II and III are not required to be done. Mr. Heffner stated that he does not want the development to sit dormant but he does not want to place a burden on the School District. Jan Smith motioned to deny the removal of the age restriction. There was no second.

Mr. Heffner made a motion to grant the removal of the age restriction with the condition that a bond is posted for recreational fees. Mr. Cisney stated that he already paid recreational fees for these lots. Vera Miller suggested paying the difference between the current rate and what was already paid. Mr. Cisney stated that he would pay an additional \$250 per lot as they settle. Attorney Lobach added that when the \$250 per lot in Phase I was collected, there would not have

been a clubhouse. Mr. P. Smith stated that he would not be satisfied with less than the difference. Mr. J. Smith asked if any of the homeowners are present. There were none. Mr. Cisney asked if he will not be required to provide recreational area in Phase II if he pays these fees. The Board stated that this is only in regards to Phase I. Mrs. Gunnet asked what would happen to the open area if the recreation areas were not provided. Mr. Allison noted that they would not be able to create any additional lots. Mr. Heffner amended his motion. **On the motion of Dean Heffner seconded by Mr. P. Smith, the Board approved to remove the age restriction with the condition that an additional recreational fee in the amount of \$1,250 is paid for each lot at the time of Building Permit pickup. Motion carried. Two votes yes. Mr. J. Smith voted no.**

11. Plan for Discussion:

- A. **BRIAN E. & JODIE E. HINTON – Sketch Plan #L-5313 by Gordon L. Brown & Associates for 12 lots along Zion Church Road** – Brian Hinton, 290 Ness Road, advised that he has been a Windsor Township resident for 37 years. He stated that he has been looking for a farm for his family and was fortunate to be able to purchase the property at 585 Zion Church Road at auction. He commented that due to the price of the property, he and the two other investors are proposing 11 lots off a cul-de-sac and the balance remain with the original farmhouse. He stated that it would be an exclusive builder and the houses would be uniform. He advised that he was not aware of the length restrictions for cul-de-sacs before purchasing the property and he is requesting a waiver.

Adam Anderson with Gordon L. Brown & Associates advised that they are requesting a waiver for the submission of a preliminary plan and a waiver for the length of a cul-de-sac. Mr. Anderson noted that the Windsor Township Planning Commission recommended approval of the waiver for the cul-de-sac length. He gave a power point presentation after giving the Board a hard copy of the information. It was noted that the lots will all have on-lot wells and septic systems. Mr. Anderson showed the proposed layout for the cul-de-sac. He stated that it would be 750' in length. He explained that by keeping the lot widths at 175' instead of the minimum 150' it would keep the houses up on the ridge and not cut into the farm. He explained that the major reason that they are asking for the waiver is to keep the integrity of the farm. He added that one of the lots would access onto Zion Church Road since the Ordinance only permits 10 lots to access a cul-de-sac. Mr. J. Smith stated that he feels that if the house can front on the cul-de-sac it should be counted as one of the permitted lots. Mr. Allison advised that the way the ordinance is written, it only includes those with access onto the street. Mr. J. Smith advised that he feels that there are too many homes to only have one means of egress. He asked if there is a design that would meet the 500' requirement. Mr. Anderson advised that he has a sketch and showed the Board. He explained that this would create three lots onto Zion Church Road. He stated that it can be done but it breaks up the farm. Mr. Hinton stated that the land along Zion Church Road was intended to be pasture ground.

Mr. P. Smith asked if there are other cul-de-sacs that are this long. Mr. Trout advised that Brook Lane would be longer. Mr. Allison commented that it is similar in the number of lots. Mr. P. Smith asked if this is the maximum number of lots that could be subdivided off the farm. Mrs. Gunnet advised that they could take off one more lot.

Steve Anderson advised that he is one of the investors. He stated that the stone farmhouse is very unique but will take quite a bit of work to be brought up to living standards. He commented that the design with the 500' cul-de-sac is fine for a developer. However, in this case, they are trying to keep the farm and would like to keep the subdivided lots together. Mr. P. Smith asked if the Board was willing to grant the waiver for the longer cul-de-sac, if they would be willing to give up the right for the one additional building lot. Mr. Hinton stated that currently they do not have plans to subdivide the last lot but it could be desired in the future. He added that he is already giving up 19 acres just so he can keep the farm. Mr. P. Smith advised that the Board is not concerned with the finances. Mr. Hinton stated that he would need to discuss this with the other partners before deciding. Mr. J. Smith asked if he would like to come to the next meeting. Mr. Anderson asked if they could be tabled for a few minutes. Mr. P. Smith advised that this is fine and they will get back to them when they have a break in the agenda.

12. Solicitor:

- A. Attorney Rausch advised that he did not have anything to report.

13. Township Engineer:

- A. **East Prospect Road – Curve realignment** – Mrs. Gunnet advised that the Township can apply for 50% reimbursement of the project including engineering fees. She noted that she has started working on the necessary paperwork. Mr. P. Smith asked if Representative Saylor was contacted. Mrs. Gunnet stated that she did contact him and PennDOT provided him with a copy of the State law that determines that only half of the costs can be reimbursed. It was noted that the proposed cost for the work is \$56,000 which includes the engineering fees. Mrs. Gunnet advised that the work would need to be bid. Mr. Trout stated that the Township should be able to add the work to PennDOT's project. Mrs. Gunnet advised that the paperwork did not give that option but she will check into the possibility. **On the motion of Jan Smith seconded by Dean Heffner, the Board approved the relocation of the sewer main at a cost of \$56,000 with half to be reimbursed. Motion carried. Three votes yes.**
- B. **Security Reductions – Cambridge Heights, Phase I & Cambridge Heights, Phase II** – Mrs. Gunnet advised that the Township has received security requests for Cambridge Heights. She stated that they are requesting a reduction for Phase I in the amount of

\$100,355.18 which would leave a balance of \$39,122.18 and a reduction in Phase II in the amount of \$13,900.75 which would leave a balance of \$0. **On the motion of Jan Smith seconded by Dean Heffner, the Board approved the reductions as recommended by the Township Engineer. Motion carried. Three votes yes.**

The Board recessed at 7:48 p.m. for a break. The meeting reconvened at 7:51 p.m.

- C. **Freysville intersection – Resolution #09R-09-31 – Authorization for Chairman and Vice-Chairman to sign Highway Occupancy Permit Condition Statement** – Mrs. Gunnet advised that the Condition Statement is a part of the Highway Occupancy Permit that states what you can do and what you must do. It only pertains to the road widening. When submitted to PennDOT, surety is required to be posted. She stated that she has not obtained the surety yet because it accrues fees. **On the motion of Jan Smith seconded by Dean Heffner, Resolution #09R-09-31 was approved. Motion carried. Three votes yes.**
- D. Act 537 Plan – Status Report #1 – Mrs. Gunnet advised that the Board has a copy of the report. She explained that this is a study that is required by PennDEP. It was required in conjunction with the Panorama Hills Pump Station Upgrade. A mini plan was done to start the procedure but it was required that a full plan be done within 5 years. This timeframe is approaching. She advised that it is a study of areas that have public utilities in comparison to those that do not. Notices will need to be sent to property owners without public utilities and a certain percentage is required to be returned. She noted that the Township has not done an Act 537 Plan since 1972.

Mr. P. Smith questioned the cost of the study. Mrs. Gunnet stated that she originally thought that the cost was approximately \$60,000 but thinks that may just be the portion budgeted in 2009. She stated that she believes the total cost is approximately \$115,000 but will need to check. There was further discussion on the costs regarding add ons such as well testing and engineering. Mr. P. Smith commented that he feels this type of project should have been bid to obtain the best cost.

14. **BRIAN E. & JODIE E. HINTON** (continued) – Mr. Hinton questioned how it would be handled to give up the right to the remaining building lot. Attorney Rausch advised that a note would be put on the plan. Mr. Hinton stated that he would agree to eliminate the remaining building lot so that he can maintain the integrity of the farm with the longer cul-de-sac. Mr. P. Smith asked Mr. Trout his opinion on a longer cul-de-sac. Mr. Trout stated that cul-de-sacs are difficult to maintain when it comes to snow but he has been working with developers to create an area to push snow. Mr. Heffner commented that this is going to be a cul-de-sac regardless of the length. Mr. J. Smith noted that he has an issue with the length for emergency services purposes. Mr. J. Smith motioned that the waiver for the length of the cul-de-sac be denied. There was no second. **On the motion**

of Dean Heffner seconded by Paul Smith, the Board approved the waiver for the length of the cul-de-sac to keep the integrity of the farm with the condition that a note is added to the plan noting that the remaining lot may not be subdivided. Motion carried. Two votes yes. Mr. J. Smith voted no.

Mr. J. Smith asked if the development would have sidewalks. Mr. P. Smith advised that they are not required in the Agricultural zone. Mr. Allison noted that they will have curbing. Mr. Heffner asked how much land would be left with the farm. Mr. Hinton stated that it will be approximately 33 acres.

The Board asked how Mr. Allison felt about eliminating the preliminary plan. Mr. Allison advised that this plan has been discussed at the in house meeting and at the Windsor Township Planning Commission meeting and feels that everything can be handled on a final plan. **On the motion of Jan Smith seconded by Dean Heffner, the Board granted the waiver for the submission of a preliminary plan. Motion carried. Three votes yes.**

15. Public Works:

- A. Mr. P. Smith advised that the Board has received the Monthly Report for September. He asked the Board if they had any questions. There were none.
- B. Cat loader repairs & Skid loader – Mr. P. Smith advised that Mr. J. Smith and Mr. Trout had met with Cleveland Bros. to discuss the proposal and negotiate the price. The final price for the **Cat skid loader with planer and slot cutter** would be **\$51,235** after the trade of the Cat loader. **On the motion of Jan Smith seconded by Dean Heffner, the Board approved the purchase. Motion carried. Three votes yes.**

There was discussion on splitting the payment of the skid loader between the General, State and Sewer funds. Mr. P. Smith stated that he did not want to pay it from the Vehicle and Equipment Fund. Mr. Trout noted that the entire amount does not have to be paid from State Fund. It was decided that a portion would be paid from Sewer Fund and State Fund and the balance would be paid from the building and highway line items in the General Fund.

16. Public Works Building:

- A. Change Order – eci – G-16 – Modification to stone release channel – \$6,565.05 – Mrs. Gunnet advised that if this change order is not approved, eciConstruction cannot go forward with the work. She stated that the Township may need to approach LSC Design later. She noted that because this change order has not been approved, another change order is required because eci's contractor has already pulled their equipment from the site.

The Board stated that they feel that eci is taking advantage of the situation similar to the wet dirt change order. Mr. P. Smith asked if the Township employees could do the work. Mrs. Gunnet advised that the erosion plan is in eci's name so they would be in charge until Eric Jordan would sign off. Mr. J. Smith stated that he feels it is time to take legal action. Mr. Heffner agreed and asked if this will cause an erosion issue if it is not completed this year. Mrs. Gunnet stated that she did not feel there would be an issue because there will be a trench installed. The Board advised that they would like to discuss this further in an executive session.

- B. Propane bid results – Mrs. Gunnet advised that the low bidder for propane is Shipley Propane. Their rate is \$1.49. She noted that last year the rate was \$2.49. **On the motion of Jan Smith seconded by Dean Heffner, the Board awarded the bid to the low bidder. Motion carried. Three votes yes.**
- C. Mrs. Gunnet advised that the warranty inspection will be held in October. The Board stated that they would like to attend.

17. Other Business:

- A. **Keith Conley – Installation & Maintenance Agreement for a Small Flow Treatment Facility & Resolution #09R-09-32 – Revision to Act 537 plan** – Mrs. Gunnet advised that Mr. Conley's property is split between North Hopewell Township and Windsor Township. The house is located in North Hopewell Township and the septic system is located in Windsor Township. The only type of septic system that will pass is a small flow treatment facility. An Agreement is required that stated that the Township would maintain the facility if the property owner would not. A lien can be placed against the property for any work that the Township would do. Mrs. Gunnet added that a Resolution is required to amend the Act 537 Plan to note that this type of system exists within the Township. She noted that she will forward the information to C.S. Davidson. **On the motion of Jan Smith seconded by Dean Heffner, the Board approved the Agreement and Resolution #09R-09-32. Motion carried. Three votes yes.**
- B. Mr. P. Smith advised that the Board has received the Township Manager's Report for August. He asked the Board if they had any questions. There were none.
- C. Mr. P. Smith advised that the Zoning Report for August is available for review. Mr. J. Smith asked how Mr. Allison is making out with the plantings in the swales on Cambridge Drive. Mr. Allison advised that he and Mr. Trout will need to meet with some of the property owners. He noted that there is also a property in Rose Brook II that has trees planted in an easement. The trees will be removed. Mr. J. Smith asked about the property

with mulch in the swale. Mr. Allison advised that that is the one listed on the report that he has met with.

D. Mr. P. Smith advised that the Dog Officer's Report for August is available for review.

E. Mr. P. Smith advised that effective October 1st, the Animal Control Officer will be changing from Tim Kohler to Hemler Animal Control.

F. Resolutions Accepting the Offer of Dedication:

- 09R-09-01 – DALE E. & WADE B. ELFNER – Zion Church Road
- 09R-09-02 – BETTINA M. DIETZ - Dietz Road
- 09R-09-03 – BETTINA M. DIETZ – Christensen Road
- 09R-09-04 – CHARLES C. REXROTH – Newcomer Road
- 09R-09-05 – IONA K. HAINES – Jefferson Lane
- 09R-09-06 – SUSAN E. STEWART – Christensen Road
- 09R-09-07 – SUSAN E. STEWART – East Prospect Road
- 09R-09-08 – HELEN M. GIPE – Grim Hollow Road
- 09R-09-09 – HELEN M. GIPE – Felton Road
- 09R-09-10 – KENNETH L. REXROTH – Oberdorff Road
- 09R-09-11 – WISEHAVEN SWIMMING POOL, INC. – East Prospect Road
- 09R-09-12 – BESSIE A. GRIM – Grove Road
- 09R-09-13 – JOHN C. & JOYCE L. FAY – Fake Road
- 09R-09-14 – KLARA SNOOK – Stonewood Road
- 09R-09-15 – KIM M. BAKER & MARY SHIREY – Holtzapple Road
- 09R-09-16 – BURNELL V. BAHN – White Oak Road
- 09R-09-17 – ISAAC L. & DOROTHY V. RUPPERT – Ruppert Road
- 09R-09-18 – PATRICIA MAE & DEBRA JEAN CAMPBELL – Blacksmith Road
- 09R-09-19 – SUSAN E. STEWART – East Prospect Road
- 09R-09-20 – JOHN W. GEMMILL – Perry Road
- 09R-09-21 – SUSAN LORRAINE WOLFE – Burkholder Road
- 09R-09-22 – SUSAN LORRAINE WOLFE – Snyders Corner Road
- 09R-09-23 – LARRY E. & VIVECA L. MILLER – Freysville Road
- 09R-09-24 – MARTIN H. SOWERS – Perry Road
- 09R-09-25 – PRESTON E. NEFF & EVELYN L. NEFF – Neff Road
- 09R-09-26 – WILLIAM J. FORBES – Kendale Road
- 09R-09-27 – WILLIAM J. FORBES – Steinfelt Road
- 09R-09-28 – HARRY RAMAGE – Kendale Road
- 09R-09-29 – JAMES M. GOHN – Bahn's Mill Road
- 09R-09-30 – BRETT A. RAVEN & KEVIN L. POFF – Valley Road

It was noted that the Resolutions are for the adoption of right-of-way for previously approved plans. **On the motion of Jan Smith seconded by Dean Heffner, the Resolutions were approved. Motion carried. Three votes yes.**

- G. Negotiation of cable franchise agreement – Mrs. Gunnet advised that Attorney Cohen held a meeting with the municipalities who have designated that he negotiate their cable franchise agreements. She noted that 4 municipalities have contracted with him and there are 3 that are considering joining. If one more would add to the contract, the price per municipality would decrease by \$525. Mr. P. Smith asked if discussions will be held later when the project is underway. Mrs. Gunnet advised that a proposed agreement will be given to the Board and then it could be discussed what changes or additions would be requested. Mr. P. Smith asked if you can negotiate which channels they provide on different packages. Mrs. Gunnet advised that that type of request is not negotiable but can be recommended. She noted that there is a State of the Art provision that states that if surrounding counties have a service that is not provided in York County, it can be requested.
- H. PA Sales Tax – Mrs. Gunnet advised that at a recent Finance Officer’s meeting, it was brought to light that municipalities should be charging sales tax. She advised that a speaker was present at the last Finance Officer’s meeting to give a presentation. She noted that sales tax should be charged on items that the Township sells such as copies and recycling bins. For the first year, the tax would need to be remitted quarterly. The following years, the remittance method would be determined by the amount collected in the previous year. Mr. J. Smith asked if a permit is required to collect the tax. Mrs. Gunnet advised that there is and added that **the Township will start collecting tax effective October 1st.**
- Mr. P. Smith questioned if the food sales for WARC should include tax. Mrs. Gunnet stated that they should, similar to a fast food restaurant.
- I. Bocce Court – Mr. J. Smith advised that bocce ball is up and coming and he would like to see if there is interest within the Township to add a court at the park. Mrs. Gunnet advised that she is aware of a court that was installed in 2003 at a cost of \$595. It was noted that there was a request for a horseshoe pit and now it is rarely used. Mr. P. Smith stated that he would like to see how much interest there is before discussing further. Information will be posted on the message board and put in the newsletter.
- J. **Administration fee for Swine Flu** – Mrs. Gunnet advised that it appears that the Swine Flu vaccine will be covered in full. However, there will still be a charge from doctors to administer the vaccine. The administrator for the insurance company is asking if the Township would like that fee to be covered. Mrs. Gunnet noted that there was not much

interest in the regular flu vaccine. Mr. P. Smith asked how the fee would be handled. Mrs. Gunnet advised that any fees would go against the claims which is how refunds are based. Mr. Heffner commented that it would not cost very much to add. **On the motion of Dean Heffner seconded by Jan Smith, the Board waived the Administration fee for the Swine Flu vaccination. Motion carried. Three votes yes.**

- K. 2010 Minimum Municipal Obligation – Non-Uniform Pension – Mrs. Gunnet advised that she is required to present this every September. She stated that that the pension invoice for 2010 will be \$68,239 which is \$2,339 more than in 2009. A portion will be returned to the Township in State Aid.
- L. 2010 Minimum Municipal Obligation – Police Pension – Mrs. Gunnet advised that the police pension will be \$0 because there are no active members.
- M. Mrs. Gunnet advised that she has received a request to establish a speed limit on Holtzapple Road. She noted that this requires that a traffic study be done. She added that the York County Planning Commission is considering eliminating traffic studies done at no cost. It was determined that during road inspection, a list of other streets that are not posted would be created so that studies could still be completed while there is no charge.
- N. Mr. P. Smith advised that the Open House at the Public Works Facility will be held on Saturday, October 3rd from 9:00 a.m. to 1:00 p.m.
- O. House Bill 1500 – PA State Police Coverage – Mr. P. Smith advised that this Bill would charge municipalities who rely on the State Police for full time coverage a fee for the police coverage. He stated that PSATS is lobbying against the Bill. Mr. P. Smith commented that he thinks the Bill should be passed but with modifications. Mr. J. Smith advised that the larger municipalities are getting a free ride by using the State Police services but the fee could place a burden on smaller ones. The Board agreed that there should be modifications to reduce the charge on a smaller municipality. Mrs. Gunnet will draft a letter to PSATS.

18. Unfinished Business:

- A. Panorama Hills Pump Station Update – There was no update.
- B. Joint Stormwater Drainage Study – Mrs. Gunnet advised that she has been contacted by Red Lion Borough regarding their participation in the study and was informed that they will be discussing it at their October meeting.

- C. American Recovery & Reinvestment Act – Hybrid vehicles – Mr. P. Smith advised that this topic should be dropped.
- D. Proposed Open & Confined Burning Ordinance (Draft #3) – Mr. P. Smith advised that representatives from DEP will be at the October 5, 2009 meeting. Mrs. Gunnet noted that one of the two gentlemen that were to attend will not be able to make it. She commented that they wanted to reschedule but she told them that this was not feasible because the date had been advertised.
- E. Fence at calcium chloride storage tanks & ballfield – Mr. J. Smith advised that he checked other ballfields regarding location of fencing and many do not extend past the dugouts, including MLB parks. Mr. P. Smith stated that the fields at the Red Lion Area School District do extend. The cost for 8' fencing is \$1,250 and \$1,125 for 6' fencing. **On the motion of Paul Smith seconded by Dean Heffner, the Board approved the purchase of 8' fencing. Motion carried. Two votes yes. Mr. J. Smith voted no.**
- F. Herre Bros. – Trench drains – Mrs. Gunnet advised that Herre Bros. and LSC Design are still blaming one another for the issues. They have asked to meet with the manufacturer to discuss the product and installation. Mr. Trout suggested having the Township meet with the manufacturer separately. Mr. P. Smith stated that he feels Herre Bros. should have to prove to the Township that it is correct. Mrs. Gunnet advised that this is something that will be noted during the warranty inspection.
- G. Optional Sales Tax – York County Association of Township Supervisors of the Second Class survey – Mrs. Gunnet advised that the Board has a copy of the survey. They are requesting the Township's input. Mr. P. Smith commented that it appears that the school districts are going to receive 50% of the income and the Township and County will receive 25% each. The Board discussed the tax and determined that they would like to respond to the survey that they need additional information.
- H. Starview Detention Pond – Mrs. Gunnet advised that she sent letters to both of the property owners involved. It was noted that when the pond was created, it did not fit on one lot so additional land was added to it but a separate tax identification number was created. She stated that the Township needs to obtain permission to go onto the lots. Mr. P. Smith asked what financial responsibility the Township has. Mrs. Gunnet advised that someone would need to be there to run the chipper. Mr. P. Smith commented that this is a good opportunity but he does not want to do it illegally. Mr. Trout advised that the outfall structure will need to be replaced. He asked about doing the storm water district. Attorney Rausch advised that he had looked into this but did not find anything in the Township Code that would allow a storm water district. Mr. P. Smith stated that a lien

needs to be filed on the property. Mrs. Gunnet commented that if the property would be transferred or the owner would pass away, the Township would then be reimbursed.

- I. Knox Box Ordinance – Mrs. Gunnet advised that she is waiting to receive a sample ordinance from the fire association.
- J. Cluster Overlay revision – Mr. Allison advised that the York County Planning Commission will discuss the repealing of the Cluster Overlay section at their October 6th meeting. Attorney Rausch added that it would be brought to the Board at the October 19th meeting.
- K. Kochenour, Earnest, Smyser & Burg – 2008 Windsor Township Audit – The item was tabled.
- L. Solicitation Ordinance – Mrs. Gunnet asked the Board if they had any additional thoughts on a solicitation ordinance. Mr. J. Smith commented that he gets an occasional salesperson at his house but does not feel that this is an issue. Mr. P. Smith added that he feels it would be too difficult to allow for some organizations but not others. Mr. J. Smith suggested making signs for the residents. Mr. P. Smith stated that it would be up to the property owners if they would want their property posted and these types of signs are able to be purchased at places like Ace Hardware. It was the consensus to remove the item from the agenda.
- M. Possible rental of acreage – Mrs. Gunnet advised that this was tabled from the last meeting. The Board decided that it would be discussed at the meeting on September 22nd.
- N. Date for Budget Workshop – The Board discussed potential dates for the Budget Workshop. Mrs. Gunnet advised that the budget must be open for 20 days prior to the hearing. It was the consensus of the Board to hold the workshop on October 12th starting at 9:00 a.m.
- O. **Park Rules & Regulations – Ordinance #09-09-01** – Mr. P. Smith advised that this Ordinance prohibits skateboarding and other similar activities on Township property. **On the motion of Jan Smith seconded by Dean Heffner, the Board approved the Ordinance. Motion carried. Three votes yes.**
- P. Regulations on Storage of Recreational Vehicles, Boats, Campers, Trailers and Trucks – Mr. Heffner stated that he feels this section needs to be looked at. He commented that the Township is currently spending over \$5 per violation letter. Mr. P. Smith stated that he had not spent any time looking over it. Mr. J. Smith questioned how it should be modified. Mr. Heffner suggested by weight limit. He stated that most utility trailers are

less than 3,000 pounds. Mr. J. Smith commented that this does not help with aesthetics. Mr. Allison advised that he is concerned about regulating it by weight limit because it would still generate a notice because the weight would need to be confirmed. If it was regulated by setback from a right-of-way, it would only require an inspection. Mr. Allison explained the options that were previously presented to the Board. Mr. Heffner commented that he feels that the Township is spending money and not accomplishing anything.

19. Public comment – Jeff Ellis, 3850 Mt. Pisgah Road, advised that he had received a letter from Mr. Allison regarding the accumulation of junk, a junk vehicle and work taking place on his property. He read the letter for the Board. He stated that he wanted to know why the Board was inspecting his property. The Board advised that they were not out at the property. The staff is in charge of this type of work. Mr. J. Smith stated that they keep an eye out for violations but are not paid to do the work. Mr. Ellis asked why he is required to get Building Permits but other people are not. He stated that there are properties that added fences and overhangs and they did not get permits. Mr. P. Smith advised that just because they did not get a Building Permit does not mean that they were not required to get one.

Mr. Ellis questioned that if an automobile is not inspected if it is junk. Mr. Allison advised that according to the Zoning Ordinance, it would be considered junk. Mr. Ellis stated that there is a car on Windsor Road that is on barrels and they were not sent a letter. Mr. Allison commented to Mr. Ellis that they have had this conversation on the phone and he has asked him for addresses of any properties with violations and he will follow up on them but he has refused to provide any information.

Mr. Ellis stated that this is discrimination against him. Mr. Allison advised that he addresses all violations that he sees within the Township. Mr. P. Smith added that he needs to provide Mr. Allison with addresses if he feels there is a violation that is not being handled.

20. Mr. P. Smith asked the Board if they had any comments.

Mr. J. Smith questioned the invoice to Cleveland Bros. on the bills list. Mrs. Coble advised that it had been removed. Mr. J. Smith asked if an officer had been present at the bus stop at Rose Brook. Mrs. Gunnet advised that Officer Hoffer was present for the first day of school.

Neither Mr. Heffner nor Mr. P. Smith had any comments.

21. Mr. P. Smith questioned the amount of the C.S. Davidson invoice from Sewer Fund. Mrs. Coble stated that most of the billing was for work on the Act 537 Plan. He also questioned what the transfer was for from Capital Reserve Fund to Recreation Fund. Mrs. Gunnet advised that this is a transfer to cover the costs for the payment of the excavation at the Larry J. Macaluso Elementary

School. She stated that the CD in Recreation Fund does not come due until next year and rather than take penalties on it, money is being borrowed and will be reimbursed next year. **On the motion of Jan Smith seconded by Dean Heffner, the bills were approved. Motion carried. Three votes yes.**

22. The meeting of the Windsor Township Board of Supervisors recessed into an Executive Session at 9:14 p.m. to discuss potential litigation regarding the Public Works Building and then recessed until Tuesday, September 22nd at 12:30 p.m. at the Public Works Building at 970 White Oak Road for a 2010 Pre-Budget Workshop and a meeting with the Public Works employees.

Respectfully submitted,

Jennifer L. Gunnet
Secretary

CITIZENS PRESENT

September 21, 2009

| | |
|-------------------------|--------------------------------------|
| Ruth & Robert LaChance | 20 Centre Court Red Lion PA |
| Edna Mae Poff | 555 Manor Road Windsor PA |
| Norma Koons | 100 Centre Court Red Lion PA |
| Susie Eckenrode | 555 Manor Road Windsor PA |
| Jim McCool | 100 Centre Court Red Lion PA |
| Jodi Hinton | 290 Ness Road York PA |
| Brian Hinton | 290 Ness Road York PA |
| Joe Brewster | 5 Beaver Pond Court New Freedom PA |
| Steve Anderson | 335 Winterstown Road Red Lion PA |
| Adam Anderson | Gordon L. Brown & Associates |
| Elmer Fromm | 50 Oak Drive Red Lion PA |
| Wendy Paules | 545 Manor Road Windsor PA |
| Stephen Paules | 545 Manor Road Windsor PA |
| Vera Miller | 830 Marvell Drive York PA |
| Vicki Garner | 1090 White Oak Road Windsor PA |
| Doug Schmidt | 617 Pershing Avenue Red Lion PA |
| Marguerite Schmidt | 617 Pershing Avenue Red Lion PA |
| Preston Chronister | 1835 Alpine Road York PA |
| Allen Emenheiser | 1027 Hastings Boulevard York PA |
| Yvonne Emenheiser | 1027 Hastings Boulevard York PA |
| Bud Zimmerman | 860 Zimmerman Road Red Lion PA |
| Bobbie Zimmerman | 860 Zimmerman Road Red Lion PA |
| Jill C. Heindel | 1440 Bahn's Mill Road Windsor PA |
| David Bardo | Yorkana Fire Company |
| James Hammers | 2190 Freysville Road Red Lion PA |
| Jeffrey L. Ellis | 3850 Mt. Pisgah Road York PA |
| Perry L. Cisney | 1721 Paulson Drive York PA |
| Officer Michael Sampere | York Area Regional Police Department |