

WINDSOR TOWNSHIP BOARD OF SUPERVISORS
October 19, 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, 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 Dean Heffner seconded by Paul Smith, the minutes from the October 5, 2009 and October 12, 2009 meetings were approved. Motion carried. Two 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.
5. Lee Knepper on behalf of John & Lisa Storck – Building Permit request – Lee Knepper with Knepper Brothers Building and Remodeling, advised that he is the contractor for a proposed in-laws addition for John and Lisa Storck. He stated that Mrs. Storck is present and added that she would like to address the Board.

Lisa Storck, 885 Lombard Road, advised that she and her husband would like to build an addition to their home for her grandmother. She stated that they started the process in March of 2009. She explained that they first worked with the Sewage Enforcement Officer and were informed that they would need to have their septic system upgraded. After following through with all of the necessary steps, the process was finalized in the beginning of August. Mrs. Storck advised that they continued to work on the design for the addition with their builder. When the builder came to the Township for additional information to submit the permit, he was informed that the Township had recently adopted a new policy that required an engineered drawing. She stated that they contracted with an engineer for a site plan. She explained that their deed has two separate tracts and when the site plan was created, it was found that the addition would cross the property line between the two. She stated that they were told that a subdivision plan would be required. Mrs. Storck advised that she is requesting that the Board allow them to apply for a Building Permit before the subdivision is approved. She commented that her grandmother will be having surgery and she would like to have her with them to recover.

John Runge with Gordon L. Brown & Associates, advised that the Storcks have one parcel with one deed but it lists two separate tracts. He stated that he had spoken with Attorney Rausch and Mr. Allison regarding the issue and it was determined that a subdivision plan would need to be done to either combine the tracts as one or relocate the property line. He stated that the Storcks are requesting that a provisional Building Permit be issued so that they can start building the

addition while the subdivision plan is being done. He added that the Certificate of Occupancy could be held until the subdivision is approved by the Township. Mr. Runge advised that they are also requesting that the Board would allow the plan to be presented to the staff in November so that it could come before the Board in December.

Mr. Allison advised that if the site plan requirement would not have been implemented, this issue would not have been found since the property has only one tax identification number. Mr. P. Smith stated that he has no problem with this but would want the Certificate of Occupancy withheld until the subdivision is approved by the Board. **On the motion of Dean Heffner seconded by Paul Smith, the Board approved the issuance of a provisional Building Permit subject to the Certificate of Occupancy being withheld until the subdivision plan is approved by the Board of Supervisors. In addition, the Board approved to waive the submission time frame to permit the subdivision plan to be reviewed in November. Motion carried. Two votes yes.**

Mrs. Storck thanked the Board.

6. Emergency Management:

- A. Mr. Fromm advised that the information for the Advanced Certification for himself and his deputies was submitted to PEMA and has been approved. Jeff Joy with the County will be present at the November 2, 2009 Board of Supervisors meeting to present the plaques to them.

Mr. Fromm stated that he and his staff attended the open house for the Public Works Building as well as the presentation put on by the Fire Association to present the ECRIN program. He commented that both events went well. He added that the ECRIN program is moving along but there is a stipulation that the Board approve the ECRIN GIS License Agreement.

Mr. P. Smith advised that he appreciated the time that Mr. Fromm and his staff spent at the events. Mr. Fromm stated that he and his staff enjoy working with the public.

The Monthly Report for September is available for review.

- B. **E.C.R.I.N. GIS License Agreement** – Mrs. Gunnet advised that in order for the County to release information regarding GIS, an agreement is required. The agreement states that the program cannot be for profit and that all the information will be kept confidential. **On the motion of Dean Heffner seconded by Paul Smith, the Board approved the Agreement. Motion carried. Two votes yes.**

7. Solicitor:

- A. Attorney Rausch advised that he would like to request an Executive Session to discuss the Clinton condemnation.
- B. **Public Hearing – Zoning Ordinance amendment** – Attorney Rausch advised that there is a proposed Zoning Ordinance amendment. Mr. P. Smith opened the public hearing. Attorney Rausch explained that the amendment will repeal the Cluster Overlay section. The Board intends to look at alternatives in conjunction with the Comprehensive Plan update. There were no questions from the public. Mr. Allison noted that favorable reviews were received from the Windsor Township Planning Commission and the York County Planning Commission. Attorney Rausch closed the public hearing.

8. Township Engineer:

- A. Act 537 Status Report #2 – Mr. P. Smith advised that the Board has received the second status report. Mrs. Gunnet stated that the letters that will be sent to the property owners without public water or sewer are prepared and will be mailed out shortly. She commented that self addressed, stamped envelopes will be included to return the survey in since the Township needs to receive 15% back. Mrs. Gunnet noted that there has been an issue obtaining the type of stamps that the printing company needs. Mr. P. Smith asked why they could not be run through a meter. Mrs. Gunnet advised that the other system is faster and that is how the quote is set up. Mr. P. Smith asked how many letters will be sent. Mrs. Gunnet stated that it is 2,310. Mr. P. Smith asked that information be placed on the website and perhaps an article could be placed in the newspaper.
- B. **Surety Reductions – Wisheaven Condominiums & Red Lion Area School District – Larry J. Macaluso Elementary** – Mrs. Gunnet advised that a request for a security reduction has been received for Wisheaven Condominiums in the amount of \$154,993.50 which would bring the balance to \$262,351.85. A security reduction request has also been received for the Red Lion Area School District's Larry J. Macaluso Elementary in the amount of \$13,770.00 which would bring the balance to \$316,584.70. **On the motion of Dean Heffner seconded by Paul Smith, the Board approved the reductions based on the recommendation of the Township Engineer. Motion carried. Two votes yes.**
- C. **Extension of Site Improvement Agreement – Wisheaven Condominiums, Taylor Estates – Phase I & Taylor Estates – Phase IV** – Mrs. Gunnet advised that performance bonds has been posted as security for Wisheaven Condominiums, Taylor Estates – Phase I and Taylor Estates – Phase IV. A Site Improvement Agreement had been prepared giving one year to complete the work. The work has not been finished and they are asking for a one year extension. Mr. Heffner commented that he thought Taylor Estates – Phase I was

to be completed. Mrs. Gunnet advised that they had hoped to be but are not. **On the motion of Dean Heffner seconded by Paul Smith, the Board granted a one year extension for Wishaven Condominiums, Taylor Estates – Phase I & Taylor Estates – Phase IV. Motion carried. Two votes yes.**

9. Public Works:

- A. Mr. P. Smith advised that the Board has the monthly report for October. He asked Mr. Heffner if he had any questions. Mr. Heffner stated that he had questions about the truck beds.
- B. Truck bed information – DT 98 & DT 97 – Mr. Heffner questioned if the frames could be checked to see if the rust is spotty or if it is the whole way through. Mr. Trout stated that he does not know what the thickness of the frames are but will have them evaluated.
- C. **Bahn’s Mill Pump Station generator bid results** – Mrs. Gunnet advised that the bid results are attached to the Boards’ agenda. The low bidder is **Monacacy Valley Electric, Inc.** in the amount of **\$25,900**. **On the motion of Dean Heffner seconded by Paul Smith, the Board awarded the bid to the low bidder. Motion carried. Two votes yes.**
- D. **Service contract – Windsor Borough generator** – Mr. Trout advised that the Board has received a memo from him regarding the maintenance for the Windsor Borough generator. He stated that when the servicing was done, Mr. O’Dell was on site. He commented that the Township does not have the proper equipment to perform the service. Mr. Heffner asked what is checked during the service. Mr. Trout stated that it is a large checklist, which includes an oil change. He added that by having it serviced on a regular basis, any potential issues should be able to be detected before they happen. Mr. Heffner asked if they hook it up to a diagnostic machine. Mr. Trout advised that it is connected to a computer. Mr. P. Smith asked if the Township could purchase the program. Mr. Trout stated that he had asked this but the program is licensed by Generac. Mr. P. Smith asked what make the generator is. Mr. Trout advised that it is a Generac but was purchased through Modern. The Board commented that in the future, they may not be able to accept the low bidder if the generator is not going to be able to be serviced by different companies. Mr. P. Smith stated that he would only like to approve a one year service contract. He added that he would like the sewer department to be on site when the servicing is done and provide the Board with an update. He also asked that Mr. Trout inform them that the contract is going to expire earlier next year. **On the motion of Dean Heffner seconded by Paul Smith, the Board approved a one year service contract. Motion carried. Two votes yes.**

- E. Mr. Trout advised that he found a Township near Gap that has a leaf loader that they can view. The Board discussed several dates to go see it. It was decided that they would go on November 2nd. It was scheduled to meet at the Public Works Building at 8:00 a.m.
- F. Mr. Trout advised that he had received an email from Mr. J. Smith with questions regarding clutch and brake work on the 1994 L-8000. He asked if the Board would like him to reply to Mr. J. Smith directly or discuss it this evening. Mr. P. Smith advised Mr. Trout to email back to Mr. J. Smith directly and copy the Board.

10. Other Business:

- A. **Rescind Resolution #09R-10-01 – Adoption of Danbury Drive** – Mrs. Gunnet advised that the Board had approved the adoption of Danbury Drive in Windsor Pointe provided that the milling work needed to correct the grading issue passed inspection. She stated that the milling work did not pass inspection and corrections will be done next year. She added that she will be returning the check that Mr. Pasch had posted for liquid fuels reimbursement. Mrs. Gunnet advised that since the Board had approved the resolution, they will need to rescind it. Mr. Heffner asked if it would cause any problems by rescinding the resolution. Attorney Rausch advised that it would not since the required work was not completed by the deadline. **On the motion of Dean Heffner seconded by Paul Smith, the Board rescinded Resolution #09R-10-01. Motion carried. Two votes yes.**
- B. Mr. P. Smith advised that the MA & PA Community Greenway Open House will be held on Wednesday, November 18th from 12:00 p.m. to 8:00 p.m. at the Dallastown Fire Company. He stated that this is regarding the trail system that is proposed to run along the old railroad bed.
- C. **Joint Comprehensive Plan – Extension of growth area** – Mr. Allison advised that he met with the York County Planning Commission staff last week regarding their review of the proposed Comprehensive Plan. They had questioned why the industrial zone located in the northwestern portion of the Township was not included in the growth area. He stated that he had explained to them that this is mostly the landfill with the exception of a few parcels but they still recommended that the area be included. Attorney Rausch noted that even though there will be a small portion to the north of this area that will not be within the growth area, he is not concerned because it is understood that this area is not meant for growth. **On the motion of Dean Heffner seconded by Paul Smith, the Board approved the extension of the growth area. Motion carried. Two votes yes.**

Steve Seitz, 60 Carson Lane, asked if anything had changed with the land owned by WalMart. He stated that the neighbors had proposed that it be changed to Neighborhood

Commercial. Mr. Allison advised that it had been left as Commercial based on the recommendation of the York County Planning Commission. Mr. Seitz asked if the County dictates how the Township zones the land. He stated that the Township should ask the County to change it. Mr. Allison noted that it had been proposed as Neighborhood Commercial on one of the draft versions but was changed back. Mr. Seitz asked if the Township could request the change again. Mr. P. Smith advised that he does not feel it would be changed since it was proposed once and not recommended. He added that the rezoning would likely be challenged by the property owner. Mr. Seitz stated that he disagrees that it would be challenged since they do not have any zoning approvals. He commented that he is trying to protect his neighborhood. Mr. Heffner presented Mr. Seitz with an article where a property owner challenged a rezoning and sued the Township. Mr. Seitz commented that York Township has made decisions to protect their residents.

Mr. Allison commented that he understands why he would want the change but by doing so, it would make the assumption that this is a bad location for a Commercial zoning. He stated that this is not the case. Mr. Seitz stated that the people who are not in favor of the change do not live in that area. He added that they are not asking it to not be used commercially but to have it zoned as a Neighborhood Commercial. He commented that the neighbors do not want stores that are open 24 hours in that area. Mr. Seitz stated that he cannot see why the County would object to this change. He noted that they are only advisory and he can provide an additional advisor.

Jack Carpenter, 45 Carson Lane, stated that at one of the Comprehensive Plan meetings he asked the consultant if in his professional opinion, he would zone this property as Commercial. He commented that the consultant told him that he was directed by the Township and York County Planning Commission to keep it Commercial or otherwise he would have changed it.

Lee Hankey, 65 Carson Lane, asked what the Board is concerned about. Mr. Heffner stated that he is concerned about a possible lawsuit. Mr. Hankey commented that if there has not been any action by the property owner, if there are grounds for a lawsuit. Attorney Rausch advised that the Township needs to be able to provide for all uses and if this property was removed from the Commercial zoning, there would need to be additional area in the Township to allow for a larger type use. If there was not zoning provided, the property owner could challenge. Mr. Hankey asked if it is the Board's will to protect the residents.

Mr. Heffner stated that he feels that this is a good place for commercial development. He commented that the Ruppert farm behind it is also zoned Commercial. Mr. Hankey asked if he would support the Commercial zoning if he lived in the development. Mr. Heffner advised that he would. Mr. Hankey stated that having 24 hour businesses next to

residential homes without a buffer is what concerns them. He added that the neighbors are fine with smaller businesses or a strip mall that would not be open all night. Mr. P. Smith advised that the zoning needs to provide for all uses. Mr. Heffner commented that he is concerned about a potential lawsuit.

Mr. Seitz stated that there is other commercial land in the Township. Attorney Rausch stated that the issue is whether there is commercial land that can support a large box store. He commented that if the zoning would be changed, the property owner could submit a plan prior to the change.

Mr. Seitz stated that the community is asking the Board to do something. He noted that the neighbors want it to be zoned Neighborhood Commercial and want the Board to push the issue.

- D. Mr. P. Smith advised that the Board has a copy of the Zoning Officer's Report for September.
- E. The Board discussed dates to hold the 2nd Budget Workshop. It was the consensus to hold it after the meeting with PennDEP on October 28th.

11. Unfinished Business:

- A. Panorama Hills Pump Station Update – There was no update.
- B. Joint Stormwater Drainage Study – Mrs. Gunnet advised that currently Red Lion Borough is between managers and she is waiting to hear back from them.
- C. Herre Bros. – Trench drains – Mrs. Gunnet advised that she has received an email from Herre Bros. that they are working on a date to meet with the manufacturer at the Public Works Building.
- D. Starview Detention Pond – Mrs. Gunnet advised that she spoke with the owner of the larger portion of the detention pond and has received his signed release agreement. This portion is from East Prospect Road back. The portion between the existing homes is owned by a different person. She stated that she has tried several methods to reach him but has been unsuccessful. Attorney Rausch advised that they have access to a people finder website and can try that. Mrs. Gunnet asked if we could post a notice on the fence. Attorney Rausch stated that it could be posted. Mr. P. Smith asked what ordinance would be used to lien the property. Mrs. Gunnet advised that there is a storm water ordinance. Mr. Allison asked if it would apply to detention ponds that were installed prior to enactment of the ordinance. Attorney Rausch thought that it would still apply.

- E. Knox Box Ordinance – Mrs. Gunnet advised that she has received a sample ordinance from the fire association and has made changes to it. She stated that a Knox box would be required to be installed for all new and existing businesses and residences that are equipped with a sprinkler system or fire alarm with the exception of one or two family dwellings. The ordinance would give the existing structures one year to comply before penalties would be assessed. The Board stated that they would like to discuss the changes with the fire association at their next meeting.
- F. **Cluster Overlay repeal and revision – Ordinance #09-10-01** – Mr. P. Smith advised that the public hearing had been held earlier. The Ordinance has been advertised for adoption.

Lee Hankey asked exactly what the Board is voting on. Mr. P. Smith explained that the Cluster Overlay section is being repealed from the Zoning Ordinance. He stated that it may be revamped and added later or completely eliminated. Mr. Hankey questioned why the change is being made. Mr. P. Smith advised that there have been complications with the section. Mr. Hankey thought this was a good decision. Mr. P. Smith added that the Board is not interested in pursuing changes at this time and advised Mr. Allison to not spend time on it. Mr. Allison noted that his next step would be to meet with the York County Planning Commission. The Board asked him not to schedule a meeting and he will confirm that Mr. J. Smith feels the same.

On the motion of Dean Heffner seconded by Paul Smith, the Board approved the Ordinance. Motion carried. Two votes yes.

- G. Possible rental of acreage – There was no update.
- H. Regulations on Storage of Recreational Vehicles, Boats, Campers, Trailers and Trucks – There was no update.
- I. **Change Order – eci – G-16 – Modification to stone release channel – \$6,565.05** – Mr. P. Smith advised that this will be held until next spring.
- J. Freedom Systems – Discounted pre-payment options for software – Mrs. Gunnet advised that she had checked with another bookkeeper that had purchased the system and found that she had also questioned the discount option and had contacted Freedom Systems. It was found that most municipalities opted to do the payment plan and now their books reflect the outstanding money. **On the motion of Dean Heffner seconded by Paul Smith, the Board approved the discounted pre-payment option. Motion carried. Two votes yes.**

12. Public comment – There was none.

13. Mr. P. Smith asked Mr. Heffner if he had any comments. Mr. Heffner advised that he was at the craft show sponsored by Windsor Area Recreation Commission this past weekend. He stated that he felt that Miss Ashby did a great job and was dedicated to the project. Mr. P. Smith added that he had received a good report also in spite of the bad weather.

Mr. P. Smith advised that he would like to approve the memo that has been prepared to be sent to all employees regarding clocking in and out to be compliant with labor regulations. **On the motion of Dean Heffner seconded by Paul Smith, the Board approved to send the memo to the employees. Motion carried. Two votes yes.**

14. On the motion of Dean Heffner seconded by Paul Smith, the bills were approved. Motion carried. Two votes yes.

15. The meeting of the Windsor Township Board of Supervisors recessed into an Executive Session at 8:09 p.m. to discuss the condemnation of the Clinton property. At 8:20 p.m. the meeting was reconvened. **On the motion of Dean Heffner seconded by Paul Smith, Mr. Clinton will be offered \$50,000 for the purchase of the right-of-way. Motion carried. Two votes yes.**

At 8:22 p.m. the meeting recessed until Wednesday, October 28th at 1:00 p.m. at the Administrative Office at 1480 Windsor Road for a meeting with PennDEP representatives and a Budget Workshop.

Respectfully submitted,

Jennifer L. Gunnet
Secretary

CITIZENS PRESENT

October 19, 2009

Vera Miller	830 Marvell Drive York PA
Elmer Fromm	50 Oak Drive Red Lion PA
John Runge	Gordon L. Brown & Associates
Lee Knepper	800 Kendale Road Red Lion PA
Lisa Storck	885 Lombard Road Red Lion PA
Mike Brown	225 Meggon Road Red Lion PA
Jack Carpenter	45 Carson Lane Red Lion PA
Steve Seitz	60 Carson Lane Red Lion PA
Lee & Joann Hankey	65 Carson Lane Red Lion PA
Karin Ellinger	210 Meggon Road Red Lion PA
Brian Kauffman	Rettew Associates
Jason A. Snyder	Rettew Associates
Gene & Bobbie Zimmerman	860 Zimmerman Road Red Lion PA
Stefanie Brennan	On behalf of interested party
Charles Silar	1500 Windsor Road Red Lion PA