

WINDSOR TOWNSHIP BOARD OF SUPERVISORS
MEETING WITH PENNA. DEPT. OF ENVIRONMENTAL PROTECTION
AND 2010 BUDGET WORKSHOP

October 28, 2009

The recessed meeting of October 19, 2009 was called to order by Chairman Paul Smith at 1:00 p.m. at the Windsor Township Administrative Building located at 1480 Windsor Road, Red Lion.

Those present: Paul Smith, Jan Smith, Dean Heffner, Jennifer Gunnet, Tony Rathfon, John Lundsted, Gerald Miller, Vera Miller and Mike Moul.

Mr. P. Smith asked Mr. Rathfon to update everyone on what has occurred since the October 5th meeting. Mr. Rathfon stated that he received four (4) emails from residents expressing their approval of the proposed burning ban. He added that he shared the information that was gathered at the meeting with DEP's Central Office and DEP feels that all of their requirements are met in Draft #3 and that it should be adopted.

Mr. P. Smith stated that he is disappointed that hope was given to the residents that there could be a compromise and now that won't happen. He added that the Board is not going to approve the proposed ordinance without first informing the residents that their comments were not addressed. He further stated that when the Board met with DEP representatives in Harrisburg, it was stated that if the Township did not make the required changes, citations would be issued.

There was a discussion on the recycling performance grant funds which were mentioned by Mr. Rathfon during the October 5th meeting. Mr. P. Smith stated that the Township wants the funds due the Township and DEP will hear from the Township's Solicitor if they are not received. Mr. P. Smith stated that he is aware of other municipalities in the County that have populations in excess of 10,000 that still permit burning. Mr. Lundsted stated that the Township is not being held to a mandate that does not apply to others. If the Township is aware of other municipalities not in compliance with Act 101, their names should be forwarded to him. Mr. D. Heffner asked the number of municipalities across the state that DEP is withholding performance grant funds. Mr. Lundsted advised that it is over 150.

Michael Moul advised that we need clean air in York County and our air quality is worse than Philadelphia. Mr. J. Smith responded that not all of the air quality issues are a result of burning. The majority is due to factories and manufacturing.

A question was asked to Mr. & Mrs. Miller as well as Mr. Moul as to why they did not speak up during the meeting to show their support. All stated that they were fearful of retaliation. Mr. Miller stated that the Township newsletters have been slanted toward people who are opposed to prohibiting burning. Mrs. Gunnet advised that the response to the survey that was performed indicated that 274 people responded that they were opposed to the proposed changes while only 64 people responded stating they were in favor of the proposed changes.

Mr. P. Smith stated that several questions were asked about agricultural burning. He asked if a farmer can burn leaves. Mr. Lundsted advised that they cannot and that the leaves should be tilled under.

Mr. Lundsted apologized that he was unable to attend the October 5th meeting. He would have been able to address the questions that arose. There was a discussion on how those questions can now be addressed. It would either have to be another public meeting which could not be scheduled until after the publication of the spring newsletter or a separate notice would have to be mailed to the residents. Mr. Miller stated that a past newsletter included the proposed draft of the ordinance and that property owners should have been aware of the agricultural exception.

Mrs. Gunnet advised that a question on the draft has arisen regarding the exemption for fires set for recreational or ceremonial purposes as well as fires set for cooking. These types of fires are only exempt from the sunset to sunrise time limitation not setbacks. She added that typically people put a chiminea on their deck or patio which violates the setback requirements. It was the consensus of the Board that the setbacks should be observed due to the safety issue of having a fire in close proximity to their dwellings. Mr. Miller stated that he feels the words "recreational burning" should be defined. Mr. Lundsted advised that the definition would need to be created by the Township and would not need their approval. There was a discussion on the definition and it was the consensus to not define it.

Mr. Rathfon again stated that they feel that Draft #3 is satisfactory and asked how DEP can attempt to clarify the issues. Mr. P. Smith stated that DEP could start by sending a letter to the Township stating in writing the issues and the penalties for noncompliance. Mr. Rathfon advised that he will also include in the letter that there were post meeting discussions within the department and that Draft #3 meets their requirements and should be adopted. The question was asked about clarification on the agricultural exemption. Mr. Rathfon advised that he will address that too.

The agricultural exemption was again discussed. Mr. J. Smith advised that we have to be careful on the wording. Mr. Lundsted advised that enforcement of the ordinance after adoption falls to the Township and that DEP should not get calls that it is not being enforced. Mr. P. Smith replied that the Township does not want to interpret the contents of the ordinance in a manner that DEP does not agree with. Mr. Lundsted stated that the agricultural exemption wording is up to the Township.

Mr. J. Smith asked who set up these regulations. He was advised that Acts 101 and 140 were approved by the State legislature. Mr. J. Smith asked why then the regulations do not apply to all municipalities across the State. The response was that it was not a popular approach.

Mr. P. Smith questioned the possibility of getting any of the grant funds released. Mr. Lundsted advised that the Township and DEP have had disagreements but there have been good faith efforts on both sides to resolve this. He will check into getting the 2006 funds released. Mr. P.

Smith advised that he is a firm believer that the Township earned the funds by providing and encouraging recycling.

Mrs. Gunnet will draft changes to the agricultural exemption subsection for the Board to review.

The meeting recessed at 2:01 p.m.

Mr. P. Smith called the meeting back to order at 2:10 p.m.

It was noted that only the first page of the budget for each fund has the revision date. It was asked that all pages reflect the revision date. Mrs. Gunnet will make the revision.

Mrs. Gunnet advised that she had budgeted a 9% increase in the cost of health insurance and that Mrs. Coble attended a meeting last week where the 2010 renewal rates were distributed. Our increase will be 8.4%. Mr. J. Smith asked if there is anywhere in the budget that puts all of the health insurance costs together. Mrs. Gunnet advised that there was not but she will provide this to the Board.

Mr. P. Smith advised that at the previous budget workshop there was a discussion regarding the increase of the office co-pay from \$10 to \$20. Mrs. Gunnet advised that the proposed savings to the Township is 1%. The health insurance line items were reviewed and it was found that this would be a savings of approximately \$2000. There was a discussion on whether and when to implement this change. On the motion of Jan Smith seconded by Dean Heffner, the office co-pay is to be increased from \$10 to \$20 effective July 1, 2010. Motion carried. Three votes yes.

There was a discussion on the proposed 2010 budget figure from the York Area Regional Police Department. Mrs. Gunnet advised that at a pension meeting last week Chief Gross mentioned this but she was not given any figures.

The transfer from the Solid Waste Fund to General Fund was discussed. Mr. P. Smith advised that he was opposed to this. Mr. D. Heffner stated that he feels that the transfer should be made. Mrs. Gunnet proposed a compromise of leaving the amount in the budget and in December 2010, the fund balances be reviewed to determine whether the transfer was warranted. On the motion of Jan Smith seconded by Dean Heffner, the transfer amount is to be included in the 2010 budget but no transfer is to take place until December 2010 when it must be authorized by the Board. Motion carried. Two votes yes. Mr. P. Smith voted no.

Mr. P. Smith advised that there have been discussions on the beds on two of the highway department vehicles. One of the vehicles was the 1997 Ford F350 dump truck. Mr. J. Smith asked if this is the same vehicle that has had injector issues. Mrs. Gunnet checked with Jeremy Trout and advised the Board that it was. It was the consensus of the Board that money should be included in the 2010 budget to replace this truck should the injector problems return or another issue arise.

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Mr. Trout entered the meeting. He distributed a quote to the Board for the repair and replacement of the doors on the four bay garage at Bahn's Mill. It was noted that \$20,000 has been budgeted for repairs to this building in 2009 and will be carried over to 2010. It was suggested that Mr. Trout also get quotes to have the metal roof repainted and to have the metal sides replaced.

The meeting adjourned at 3:52 p.m.

Respectfully submitted,

Jennifer L. Gunnet
Secretary