

WINDSOR TOWNSHIP BOARD OF SUPERVISORS

February 1, 2010

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

Those present: Paul Smith, Jan Smith, Dean Heffner, Attorney Charles Rausch, Jennifer Gunnet, and Teresa Miller. 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 of the January 18, 2010 and January 21, 2010 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.

5. Windsor Township Fire & Rescue Association – No one was present
6. York Area Regional Police Department – No one was present
7. Solicitor

- A. Attorney Rausch advised that Linkous Builders, the developer of Windsor Meadows, went into bankruptcy. The property was sold at Sheriff's sale and was taken back by Stonebridge Bank. Attorney Rausch advised he had contacted Stonebridge in January to inquire about what they intended to do about the public improvements that still needed to be completed. He stated he had not heard back from Stonebridge. Attorney Rausch is requesting approval from the Board to contact the surety company to advise them the developer has defaulted and proceed in collecting the surety bond so that we have the money. Attorney Rausch advised that once we do this, the responsibility would fall on the Township to complete the public improvements. Attorney Rausch estimates there is approximately \$500,000.00 worth of work remaining. Mr. Heffner asked if it was just the roads that needed to be completed. Mrs. Gunnet advised that it is the roads and the detention pond that needs completed. Mrs. Gunnet asked if proceeding with the improvements would result in the Township being responsible for plowing the streets. Attorney Rausch advised no, because the Township has not accepted dedication of the streets. The Township would not have to accept dedication until all the work was done. Attorney Rausch advised if we start the process now with the surety company, we could get an idea of whether the surety company is going to fight us or accept our request. The surety company has the option of getting someone to do the work rather than turning the money over to the Township. Mr. Heffner questioned whether there would be enough money to complete the public improvements if the Township had to start over and redo the existing roads. Mrs. Gunnet advised that the money could be invested to earn interest, however any excess money left over after improvements were completed would have to be returned to the surety company. Mr. Heffner stated he thought Attorney Rausch should proceed with trying to get the money.

B. Attorney Rausch advised that a letter had been sent to Mr. Clinton regarding the removal of items from the barn. A second letter would be sent the middle of February advising that by March 1, 2010 all items must be removed from the barn. Attorney Rausch stated that our only other option would be for the Township to go in and remove the items and store them. Mr. Clinton would then be given 30 days to claim his property. Attorney Rausch stated that if Mr. Clinton did not claim the items, we would probably have to have someone come in and look at the items to see if there was any value to them prior to the Township destroying them. Mr. Heffner asked what would happen if the Township removed the items and something got damaged. Attorney Rausch advised he could not answer that question. Mr. P. Smith questioned whether the Township had the equipment to handle moving items to storage, and it was felt that they did. Mrs. Gunnet advised that space in the Bahns Mill garage could be made available to store the items. Attorney Rausch advised that Mr. Clinton had been mailed a compensation check, but has not cashed the check yet. Mrs. Gunnet asked if Mr. Clinton's attorney had been sent a copy of the letter. Mr. Rausch advised no and that he didn't think the same attorney was still representing Mr. Clinton.

#### 8. Other Business

- A. Mr. P. Smith advised an Electronics Collection is scheduled for Saturday, April 17, 2010 from 9:00 a.m. till Noon at the Public Works Building on White Oak Road.
- B. Mrs. Gunnet advised Thermosave was at the municipal office on Monday, January 25. Infrared scanning was done around the exterior walls and overall it was determined the building was in good shape. Mrs. Gunnet advised there were some problem areas around the windows where cold air was seeping in. The Thermosave representative advised this would be a simple fix, by putting caulking around the windows. Mrs. Gunnet advised there were some areas on the walls where cold spots showed up on the scan. Mrs. Gunnet advised that to correct this problem, we would need to inject a commercial grade insulation into the blocks to fill the crevices and cracks. Mrs. Gunnet advised the scanning also showed leakage around the front doors and the back doors. The scan did not show any areas where air was seeping down from the roof. Mrs. Gunnet advised there were some cold areas in the ceilings just inside the front and back doors but to see what was there we would have to cut the drywall. Mrs. Gunnet advised that it did not appear that any of the problems were major. Mr. P. Smith questioned whether any loss of heat through the ceiling was found. Mrs. Gunnet advised the scan did not show any heat loss. Mrs. Gunnet advised she is now waiting for a report from Thermosave that will show a picture of the scan area and a regular picture of the area so you can determine the actual location along with an explanation of what you are seeing. The report will include possible solutions to the problems. Mrs. Gunnet advised that once the report was received it could then be determined if the Board wanted to move on with a full energy audit or just go back and address the problem areas. Mr. Heffner asked if there were any recommendations for the loss from the doors. Mrs. Gunnet advised that the Thermosave representative felt we could put "cat whisker sweeps" on the doors. Mrs. Gunnet advised that the original installers of the doors had already replaced the sweeps, but the doors are still too far apart. The Thermosave representative thought there were longer sweeps that could be installed.

- C. Mrs. Gunnet advised that Spot, Stevens & McCoy had made revisions to the Joint Comprehensive Plan that were recommended by the York County Planning Commission and the Township. Mrs. Gunnet asked if the Board would like to see a revised copy of the plan prior to holding a public meeting. Mr. J. Smith advised he would only like to see the changes and asked if only the changes could be printed instead of the whole book. Mrs. Gunnet advised no, a lot of the changes were grammar, punctuation, wrong municipality or water company names, as well as the map changes to include land around Modern Landfill in the growth area.

Mrs. Gunnet advised we needed to schedule a public meeting to adopt the Plan. She advised it does not have to be a joint meeting with Windsor Borough and approval would be done through a resolution. Mrs. Gunnet asked if the Board wanted an article placed in the newsletter that comes out the end of March letting residents know this will be done either the first meeting in April or the first meeting in May. It was discussed and agreed the adoption of the Plan would take place the first meeting in May. Mr. P. Smith suggested that the Plan be put on public display for any residents to view. Mrs. Gunnet advised that we would place the Plan on display at the municipal office for public viewing. Mrs. Gunnet advised she would check to see if it would be possible to display the Plan on our website. She expressed concerns about the space it may take up.

- D. Mrs. Gunnet advised that the Township had adopted the streets within Monarch Ridge but not the right-of-way along E. Prospect Road where the sewer main is located. Mrs. Gunnet advised that when PennDOT completes the improvements to the "S" turn on E. Prospect Road, they need to see that Windsor Township has adopted the right-of-way. On the motion of Jan Smith seconded by Dean Heffner, the Board voted to adopt Resolution #10R-02-01 for the right-of-way along Route 124 in Monarch Ridge, Phase I. Motion carried. Three votes yes.
- E. Mrs. Gunnet advised she had received a letter from the Department of Labor & Industry asking questions about the Bahns Mill generator project and if prevailing wage rates were used. Mrs. Gunnet replied to the letter advising the Township was replacing the generator with the same size of generator and felt this would be considered maintenance because the old generator had a cracked engine block. Mrs. Gunnet advised she received a second letter from the Department of Labor & Industry advising that this would not be considered maintenance under their regulations. They advised her that anything over painting the walls would not be considered maintenance. Mrs. Gunnet advised that through direction from Attorney Rausch she needed to send a change notice to Monacacy Valley Electric advising them that prevailing wage rates will apply. Mrs. Gunnet advised that Monacacy Valley Electric would then need to send a change notice back to the Township advising what the expected added costs would be. Mr. P. Smith stated that our state Representative and Senator needs to be made aware of this situation upon receipt of information from Monacacy Valley Electric advising how much additional money this is going to cost the Township. Mr. P. Smith felt that having to spend additional money on this project is going to result in less money left to do other improvements within the Township or an increase to the taxpayers.
- F. Mrs. Gunnet advised that each Board member had a copy of the Wage Rate Policy, Amendment #1. Mrs. Gunnet advised that she and Mr. P. Smith reviewed the policy to determine if the original intention of the policy was going to work. Mrs. Gunnet advised that

the policy would work, if the starting wage rates were increased starting April of 2009. Mrs. Gunnet advised the policy was drafted in February of 2009, but required some changes so it was not approved until after the 1<sup>st</sup> of April of 2009. The Amendment states that the effective date of the Wage Policy is March 31, 2009 instead of April 6, 2009. There was a brief discussion regarding the accuracy of the calculations used for the wage increases over the span of the next five years. On the motion of Jan Smith seconded by Dean Heffner, the Board approved the change of the effective date for the Wage Rate Policy to March 31, 2009 instead of April 6, 2009. Motion carried. Three votes yes.

- G. Ordinance # 10-02-01 – Speed limits and stops signs – Cambridge Heights & Holtzapple Road. Mr. P. Smith advised this had been approved by the County Traffic Engineer. On the motion of Jan Smith seconded by Dean Heffner, the Board adopted the Ordinance. Motion carried. Three votes yes.
- H. Mrs. Gunnet advised Mr. J. Smith had picked up a handout from another municipality that listed important information for their Township residents. Mr. J. Smith requested that Windsor Township put something together like this handout for the Windsor Township residents. Mrs. Gunnet provided a copy of Windsor Township's version to the Board for their review and asked if they wanted to include photos of the Board members on the backside of the handout. Mr. J. Smith advised he would like the email address added for each of the State Representatives, Senators & Rep. Platts. Mr. P. Smith expressed concern about listing the phone numbers for the various fire companies and the likelihood of residents calling that number for an emergency instead of 911. Mrs. Gunnet advised that the Township often receives calls from residents trying to find the fire company phone number in the phone book and can't find it because they are looking for Windsor Fire Company when the actual name is Laurel Fire Company. Mrs. Gunnet advised the handout would be redone to reflect the phone numbers were for non-emergency calls and that all emergency calls should be directed to 911. Mr. P. Smith suggested Mrs. Gunnet contact the fire companies to see what they think.
- I. Mrs. Gunnet advised she had received information from Elizabeth Heathcote from York Township advising that the electrical rotor and electrical stater that were purchased from Three Mile Island, Unit 2 were going to be transported down Route 24 and Route 74 to Havre de Grace sometime in the middle of March. Mrs. Gunnet advised the stater weights 460 tons so it will be very slow moving. Mrs. Gunnet advised that Chief Gross had been advised of this by York Township.
- J. Mrs. Gunnet advised that at this months Managers meeting the speaker was the South Central Assembly and their consultant, Benchmark Energy Solutions. Mrs. Gunnet advised that because of the Township's location within South Central Pennsylvania, the Township is automatically a member of it. Mrs. Gunnet advised the South Central Assembly started a consortium that would purchase electricity in bulk. Mrs. Gunnet advised Benchmark Energy Solutions is the company they are using, this company purchases bulk electricity that gets transmitted through the local electric company lines. Benchmark than bills the consumer. Mrs. Gunnet advised that Benchmark would receive all of the Township electric bills; they would send the Township a spreadsheet once a month advising the electricity for each building separately. Mrs. Gunnet advised that Dallastown Borough is hosting a meeting on Monday, February 22, 2010 at 7:00 p.m. for Benchmark Energy Solutions. The meeting is for all local Municipalities to come and listen to a presentation of how the program works. Mrs. Gunnet

advised the Board had copies of the handout and her notes from the Managers meeting and asked if any or all of the Board members could attend. Mrs. Gunnet advised that the deadline to sign up for this program is September 1, 2010.

9. Unfinished Business

- A. Panorama Hills Pump Station update – Mrs. Gunnet advised there was not update at this time.
- B. Joint Stormwater Drainage Study – There was no update.
- C. Proposed Open & Confined Burning Ordinance – Draft #5 – There was no update.
- D. Herre Bros. – Trench drains – Attorney Rausch advised he is waiting on LSC to issue their official opinion on the defect in the construction of the trench drain. Attorney Rausch advised once this is done, he can proceed with arbitration.
- E. Starview Drive detention pond – Mrs. Gunnet advised she had received a phone call from Lieutenant Godfrey from the Sheriff's Department advising the tentative start date will be the week of February 22, 2010, weather permitting. Mrs. Gunnet advised Lieutenant Godfrey felt they could complete the work in one week. Mrs. Gunnet advised they would need two trucks and the chipper so the workers did not have to stop and wait while the full truck was taken away and the debris disposed of. Mrs. Gunnet advised the Township would have to provide the chain saws. She advised she was checking to see if the Township needed to provide gloves, safety glasses and if so, how many.
- F. Possible rental of acreage – Mrs. Gunnet advised she had received the signed agreement from Jack Dehoff. On the motion of Jan Smith seconded by Dean Heffner, the Board agreed to sign the agreement with Jack Dehoff. Motion carried. Three votes yes.
- G. Regulations on Storage of Recreational Vehicles, Boats, Campers, Trailers and Trucks – Mrs. Gunnet advised the suggested Amendment from the Board was taken to the Planning Commission. Mrs. Gunnet stated the Amendment from the Board suggested vehicles be parked 10' out of the right-of-way, however the Planning Commission felt that the 10' wasn't necessary. If the vehicles were just out of the right-of-way, it would be satisfactory. Mr. J. Smith advised he wants the 10' requirement to stay in the Amendment.

Mrs. Gunnet advised the Planning Commission has been working on an Amendment to the Zoning Ordinance to remove net density and gross density and create a definition for developable acre to change the way the density in the R2 zone is calculated. This would be the land of development upon which permitted density is calculated; such area expressly excludes public/private rights-of-ways, easements and public/private streets.

- H. Change Order – eci – G-16 – Modification to stone release channel - \$6,565.05 – There was no update.

- I. Request for Proposal – Township Engineer – Mr. J. Smith suggested the engineering be split for the coming year. Mr. J. Smith recommended that effective immediately the sewer portion of the engineering remain with C.S. Davidson and all other engineering projects go to ARRO, providing ARRO can supply the Township with a toll free number. Mr. Heffner stated that if the Township was going to change engineers he felt there should only be one. Mr. P. Smith agreed. It was discussed that existing projects would have to be reviewed to determine if they would remain with C.S. Davidson or be transferred to ARRO Engineering. On the motion of Jan Smith seconded by Dean Heffner, ARRO Engineering was chosen as the new Township Engineer effective immediately. Motion carried. Three votes yes.
  - J. Kendale force main – Mrs. Gunnet provided the Board with an email from Jason Reichard advising he had contacted DEP. DEP believes that moving the stream is the more complicated permit to obtain and doesn't want the repair to proceed in this way. Mr. Heffner stated he felt replacing a section of the force main was going to cost us approx. \$150,000.00 as opposed to \$50,000.00 to fix it the way the Township wanted to. Mr. Heffner also felt fixing the stream the way DEP wants is going to cause more damage to the stream.
  - K. Revision of Personnel Policy – Cell phone usage while driving – Mr. J. Smith advised he felt the Township should be proactive and ban the use of cell phone usage, including talking and texting while operating a Township vehicle. Mr. J. Smith proposed that if an employee is caught in violation the first offense would result in a week off work without pay. The second violation should result in elimination of the employee's job. It was discussed that the CB radio could also be distracting while driving but use of the radio while driving is usually limited to brief conversations. Mr. Heffner stated he felt these penalties were a little strict. Mr. P. Smith requested Mrs. Gunnet advise them of the penalty for being found guilty of Drug and Alcohol use. The discussion was tabled until the next meeting.
  - L. Fee for PSP coverage – Mr. P. Smith advised that the Board's opinion had been forwarded to the State Representatives and to fellow Second Class Townships and at this time there was nothing more they could do. Mr. P. Smith recommended the issue be removed from Unfinished Business.
  - M. George Schaffer – 235 Bahn's Mill Rd. – water – Mrs. Gunnet requested the board recess into an executive session to discuss this issue as a possible litigation.
10. Public Comment – Mr. Bolton, in regards to the Burning Ordinance, asked why the Township had to pass an Ordinance if the State has already made it a law. Mr. P. Smith advised there was no state wide law in effect for burning. Mr. P. Smith advised the DEP says the Township is responsible for enforcing the law or fines will be levied. Mr. P. Smith recommended Mr. Bolton read Act 101 for further information about the burning law.

Cindy Zawrotuk with ARRO Engineering expressed her thanks for the decision of the Board in appointing ARRO Engineering as the new Township Engineer.

Mr. Bolton questioned whether the Township should consider a rebid on the Bahn's Mill Generator Project because of the decision by the Department of Labor & Industry that prevailing wages should apply. Mr. P. Smith advised no rebid would be done as equipment had already been ordered through the existing low bidder.

11. Supervisors Comment – Mr. J. Smith recommended the Township look into the possibility of contracting out or selling the sewer system. Mr. J. Smith felt that future repair costs for the sewer equipment could be substantial to the Township. Mr. J. Smith requested a study be put together to see what options the Township has. Mr. Heffner questioned how the Township would be able to regulate the costs to residents. Mr. J. Smith advised that other municipalities have an Authority that handles their sewer and the participating municipalities hold a position on the Board so they can vote on things like the cost. Mr. P. Smith advised he was open to reviewing this recommendation. Mr. J. Smith advised he would come up with a few people that could work on this project.

Mr. J. Smith also expressed his appreciation to Mrs. Gunnet and all the employees for the jobs they do on a day to day basis.

12. On the motion of Jan Smith seconded by Dean Heffner, the bills were approved. Motion carried. Three votes yes.
13. The meeting of the Windsor Township Board of Supervisors was recessed into an Executive Session at 7:30 p.m.

Respectfully submitted,

Jennifer L. Gunnet  
Secretary

CITIZENS PRESENT

February 1,2010

Vera Miller	830 Marvell Drive York PA
Yvonne Emenheiser	1027 Hastings Boulevard York PA
Allen Emenheiser	1027 Hastings Boulevard York PA
Mike Hess – Arro Engineering	4750 Delbrook Road Mechanicsburg, PA
Cindy Zawrotuk – Arro Engineering	4750 Delbrook Road Mechanicsburg, PA
Jim Wilson	309 Larkin Drive Red Lion, PA
Sheila Wilson	309 Larkin Drive Red Lion, PA
Charles Silar	1500 Windsor Road Red Lion, PA
Richard Bolton	3018 E. Propsect Road York, PA
Charles Wilson	1105 Windsor Road Red Lion, PA
John Stewart	3088 East Prospect Road York, PA
Karin Ellinger	210 Meggon Lane Red Lion, PA
Stefanie Brennan	