

WINDSOR TOWNSHIP BOARD OF SUPERVISORS  
June 7, 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, Jeremy Trout, Kipp Allison and Deanna Coble. See the attached list of citizens present.

2. The Pledge of Allegiance was recited.
3. Mr. J. Smith advised that under "Solicitor" the words "with the" should be removed. On the motion of Jan Smith seconded by Dean Heffner, the minutes of the May 17, 2010 meeting were approved with this correction. 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 she has received a letter from Holly Sutphin on behalf of Congressman Todd R. Platts in response to the letter that she had sent regarding the EPA Administrative Order. She noted that the Board has a copy of both letters. Mr. P. Smith stated that the letter Mrs. Gunnet sent was well written in expressing the Board's opinion. He added that the response letter did not give any answers but it at least acknowledged the concerns.
  - C. Mrs. Gunnet advised that she has received a letter from Jo Brindley with the American Cancer Society requesting relief from the park rules in order to hold a 24 hour Relay for Life event at Freysville Park. She noted that the park rules state that it is closed from dusk to dawn. Ms. Brindley was present and explained that the event represents a day in the life of the cancer patient. She stated that they are looking for a place in the Red Lion area to call home for the event. She added that they would like to hold the event before August 31<sup>st</sup>. **On the motion of Jan Smith seconded by Dean Heffner, the Board granted permission for the Relay for Life event to be held overnight at Freysville Park. Motion carried. Three votes yes.** Mr. P. Smith asked that Windsor Township be given recognition for being the host site. Ms. Brindley stated that she would do that.
  - D. Mrs. Gunnet advised that she has received a letter from Connie Workinger regarding the requirements of a Site Plan. She stated that Ms. Workinger's builder came to the office to apply for a Building Permit to construct a roof over an existing deck and was informed that a Site Plan was required. The additional cost was upsetting to her. Mrs. Gunnet advised that Mr. Allison has a copy of the letter and if the Board wishes, he can respond to her. Mr. J. Smith stated that he feels Mr. Allison should respond and suggested that the Board review the letter before sending. Mr. P. Smith agreed. He added that Ms. Workinger's letter was strong but he does not believe that it was

completely accurate. He noted that he does understand her viewpoint. Mr. Heffner commented that the letter does have some good points. Mr. Allison questioned if the Board wanted him to address her individual questions or explain the reasoning behind the requirement. The Board stated that it should give the reasoning behind the Site Plan.

5. Windsor Township Fire & Rescue – Barry Myers advised that he did not have anything to report. Mr. J. Smith questioned the stance of the fire companies regarding the requirements of sprinklers to be installed in new homes beginning next year. Mr. Myers stated that they are in favor of sprinklers and feel it is a positive thing. He explained that it should make safer conditions for the homeowners as well as firefighters. He added that the fire could be contained or even extinguished before the fire company arrives. He noted that it would make the cost of a home more expensive. Mr. J. Smith advised that it is only for new construction. Mr. Myers commented that he would like to see a break for insurance costs for the retrofit of existing homes. Mr. P. Smith stated that this could be possible since there are price breaks for other items. Mr. J. Smith questioned if all of Maryland requires sprinklers. Mr. Myers stated that he thinks that only certain counties require it.

Mr. Heffner asked the status of the Knox boxes. Mrs. Gunnet advised that the letters are ready to be mailed. Mr. Myers added that he has already received some phone calls about them. Mrs. Gunnet stated that some businesses had been made aware of the requirement.

Mr. J. Smith stated that he would like to have a photo of each fire department that could be hung on the walls as recognition of their service. Mr. Myers advised that they could do that.

Mr. Myers asked when the information needs to be to Mrs. Gunnet for the fall newsletter. She stated that she will need to have it by the middle of July.

A. Mr. P. Smith advised that Felton Fire Company has paid off their loan.

6. York Area Regional Police Department – Officer Zinn advised that their newest officer has graduated and tonight is his first night. He noted that the majority of the police cruisers are black and white. Finally, he stressed that people need to keep their car doors locked to prevent theft.

A. Mr. P. Smith advised that the Monthly Report for April is available for review.

7. Solicitor:

A. Attorney Rausch advised that he received a letter today from Mr. Clinton's Attorney stating that the Engineer has prepared and sealed the plans for the removal of a portion of the barn. He is stating that the work will be completed in June. They are

- requesting approval to use these plans for the Building Permit. Mr. P. Smith questioned the timeframe. Attorney Rausch noted that the letter states that the work will be completed by the end of the month.
- B. Attorney Rausch advised that he is working with the Attorney for the UCC Church. The agreement has been sent to them for signature but has not been returned yet.
8. Public Works – Mr. P. Smith advised that the Board has the Monthly Report for June. He asked the Board if they had any questions. They did not.
- A. **Micro-surfacing bid** – Mr. P. Smith advised that the bid results are attached to the Board’s agenda. Mr. Trout reported that the low bidder is Stewart & Tate. He stated that he did reference checks on them and they are a reputable contractor and the only one in the area to do this type of work. **On the motion of Jan Smith seconded by Dean Heffner, the Board awarded the bid to Stewart & Tate in the amount of \$109,315. Motion carried. Three votes yes.**
- B. Kendale Pump Station force main – Clarification – Mrs. Gunnet advised that DEP had comments on the permit application. She stated that C.S. Davidson has addressed them. She commented that the Board needs to decide at this time whether they want to continue the project with C.S. Davidson or switch it to ARRO. She noted that bid documents will need to be prepared.
- Mr. Heffner advised that C.S. Davidson had done all of the engineering and feels it could be double work if transferred to ARRO. Mr. P. Smith suggested asking ARRO what fees would be incurred to switch. Mr. Heffner stated that he does not feel that the Township would receive a price break from ARRO.
- Mrs. Gunnet commented that when comparing a similar project, ARRO’s cost was approximately \$100 more than C.S. Davidson’s. Mr. P. Smith asked if this was discussed with them. Mrs. Gunnet stated that it was not. She added that more time is spent on reviewing plans since they are not familiar with the ordinances yet.
- Mr. Allison advised that ARRO will not accept 100% of C.S. Davidson’s work. ARRO would need to review the work and then do what is necessary for the switchover. Mr. J. Smith advised that he feels the work should be switched to ARRO. He added that when the Board decided to switch engineering firms, they knew that there would be additional expenses. Mrs. Gunnet noted that at this time, Mr. Hess does not have any information on the project as it was all handled by C.S. Davidson. Mr. P. Smith stated that he feels that he would be able to give a rough figure for the project. It was decided to speak with Mr. Hess to obtain an estimate.
- C. Quotes from ARRO – Clarification – Mrs. Gunnet advised she is questioning what the Board would like to see quotes on before engineering work is started. She stated that in this case, the study is for the replacement of generators. Mr. Heffner advised

that most of the information should be on file for ARRO to start from. Mr. Trout explained that the drainage area may be expanded which will require the pumps to be increased. He commented that the pumps are not efficient enough now because both pumps should be running and only one is. In order to do the designs, ARRO's electrical engineer will need to have information prepared. It was questioned if the Board wants a quote prior to this work starting. She stated that it could be done in the form of a not to exceed quote. Mr. J. Smith commented that it is good to have quotes whenever possible.

Mrs. Gunnet advised that the Chapter 94 Report only gives current flows. The drainage area study would show what could be proposed as residential or commercial development. This would determine what size pumps would be required at each station. Mr. Heffner commented that this could lead to the replacement of stations. Mr. Trout advised that this is a possibility since they are over their projected life expectancy. Mr. Heffner stated that he feels submersible pumps are the way to go. Mr. Trout noted that the study will give the options. Mrs. Gunnet added that we will need to make sure that they are big enough.

Mr. P. Smith advised that it sounds like there are two things at question now. The first being when to obtain quotes for projects and the other being when to proceed with the study for the generator replacement. Mr. P. Smith noted that it used to be done that the engineer was told to start the work. He stated that if research is needed to be done in order to give a quote, it may need to be done as not to exceed but they should be able to give a close estimate. The Board agreed that they would like to be kept advised of projects but do not feel they need to approve all of them.

Mr. P. Smith asked the Board at what figure they should approve a project. Mr. Heffner questioned at what amount a quote is needed. Mrs. Gunnet advised that quotes are needed if a job exceeds \$4,000 and it must be bid if it exceeds \$10,000. Mr. Allison commented that he feels much of the work would be smaller and would not need to come before the Board for approval.

Mr. J. Smith asked if there is a draft of costs for the next 5 years proposed for the pump stations. Mr. Trout advised that they would not be complete rehabs. Mr. J. Smith questioned if we should do a plan. Mrs. Gunnet noted that it has been started. Mr. Trout added that the study would give an idea of what upgrades would need to be completed at each station and how to pursue it. Mr. Trout noted that many of the stations are so old that we cannot get parts to repair them.

Mr. P. Smith asked again at what figure the Board wants to approve projects. Mrs. Gunnet suggested \$15,000. The Board agreed with this amount.

9. Other Business:

- A. Starview Pond Detention basin – Mrs. Gunnet advised that the inmate crew has finished the cleanup. Four quotes have been obtained for the stabilization of the basin. Randy Craley and Fitz & Smith had the lowest quotes. However, neither quote listed the price for rip-rap or matting. All of the quotes exceed \$10,000 which would require the project to be bid. Mr. Trout stated that he obtained a quote for the materials from D.B. Krieg and if purchased by the Township would put the amount under this threshold.

Mr. P. Smith questioned what the Conservation District is doing at this time. Mrs. Gunnet advised that they are not doing anything yet. It was questioned what type of material other than matting could be used. Mr. Trout stated that straw could be used but it would only be a cost savings of approximately \$1,000. Mr. Allison advised that the Township would receive a letter from the Conservation District if straw was used.

Mr. Allison asked Mr. Trout if he had looked into different types of seeding. Mr. Trout stated that he did not. Mr. Allison suggested using the type of seed used in the detention basin at Windsor Pointe. Mrs. Gunnet explained that this type of coverage only requires mowing twice a year. Mr. Allison noted that the Township will have to maintain the basin. Mr. Heffner questioned if the basin would be regraded. Mr. Allison advised that the volume of the basin cannot be changed. Attorney Rausch questioned how the basin is supposed to function. Mr. Trout stated that the basin is still in sediment control stage. The water will flow into an 8” pipe. Attorney Rausch questioned if this will affect Wisheaven. Mr. Trout advised that it would not.

Mr. Trout stated that the Township does not have Erosion and Sediment Control plans for the development that were approved at that time. Mr. Allison commented that there are post construction plans. Mr. Trout advised that they do not show the conversion. Mr. Allison suggested looking at the difference between the two. Mr. Trout stated that what is out on site is what the plans show.

There was discussion on whether to use Randy Craley or Fitz & Smith. The Board decided to use Fitz & Smith due to them being a larger company and getting the work completed more quickly. **On the motion of Jan Smith seconded by Dean Heffner, the Board approved to purchase the materials and have Fitz & Smith do the work to stabilize the basin. Motion carried. Three votes yes.**

- B. Mr. P. Smith advised that the Board has the Township Manager’s Report for May. He asked if they had any questions. They did not.

- C. **Zoning Ordinance amendment – Final Draft – Definition of developable acre and revision to the regulations on the Unenclosed storage of recreational vehicles, boats, campers, trailers and trucks** – Mr. P. Smith advised that the Board has received a memo from Mr. Allison addressing the possibility of a sliding scale

based on lot size to regulate recreational vehicles. Mr. Heffner commented that he feels that with multiple vehicles, there should be additional restrictions on their sizes. Mr. P. Smith stated that he feels that there should still be a maximum number permitted regardless of lot size. Mr. Heffner added that he feels that the Agricultural Zone should also have regulations. He stated that he saw a property with numerous recreational vehicles but Mr. Allison cannot address it because it is in the Agricultural Zone. He commented that he has issues with someone who has a truck and then puts a camper on the bed and now it has to meet setbacks. Mr. P. Smith questioned if this should be considered a recreational vehicle. Mr. Heffner stated that it would be since it has a camper. He advised with the sliding scale, there could be a possibility that on his street one property may not be able to have any and another property could have two. Mr. P. Smith questioned if the smaller lot is nonconforming. Mr. Allison stated that it is not.

Mr. Allison advised that with the example drawing he provided to the Board, he is suggesting an incentive to keep the recreational vehicles behind the building setback line by allowing them to be placed closer to the property line. Mr. P. Smith commented that not everyone would be able to access their rear yard.

Mr. Allison advised that the table that the Board has gives an average lot size of several developments in the Township. Mr. P. Smith asked if there is potential to work out the differences with this method. Mr. J. Smith stated that he prefers option #3 with a maximum of two recreational vehicles. Mr. Heffner stated that he still feels that there should be regulations on the size of the vehicle. He added that he is fine with what was proposed in the original amendment but would like to see more leniency on the time frame permitted to be parked in the driveway. Mr. P. Smith commented that he agrees with allowing additional time but realizes that it cannot be enforced. Mr. Heffner questioned allowing recreational vehicles to be less restricted over the summer. Mr. Allison advised that he did ask a few people about how they use their trailer and it was unanimous that they were used between April and October.

Mr. Heffner stated that there still needs to be a size regulation. Mr. Allison noted that Dover Township does not allow a recreational vehicle to take up more than one parking space and in York Township it must be parked on macadam or stoned area. Mr. P. Smith questioned giving setback relief if the rear of properties cannot be accessed. Mr. Allison agreed that it would not work for some properties.

Vera Miller, 830 Marvell Drive, questioned if Mr. Heffner was implying that he would allow them to be placed on the street. Mr. Heffner stated that he does not see a problem with this if only one parking space is being taken up. Ms. Miller expressed her concerns that an emergency vehicle may not be able to pass on a narrow street if there was a car parked across from the recreational vehicle.

Mr. J. Smith advised that it is not possible to enforce a time period. Mr. P. Smith questioned if ordinances in other municipalities are set up with a time frame. Mr.

Allison advised that they are not and explained some of the other ordinances. Mr. P. Smith questioned why there would be a time frame issue if the Township did allow a vehicle to be placed in the front yard. Mr. Allison advised that most homes in developments are set right on the front yard setback, which would be 35' from the right-of-way. If 10' was deducted as the setback from the right-of-way, this would allow for a 25' vehicle to be in compliance. He questioned eliminating the tongue as part of the vehicle. Mrs. Gunnet noted that not much area would be gained.

Mr. P. Smith questioned why there is an ordinance to regulate these types of vehicles. Mr. Allison advised that he does not know the history of the regulations. Mr. P. Smith commented that he feels it is based on appearance.

Mr. Allison advised that since the middle of last year, there have been approximately 100 violations. Mr. P. Smith commented that it seems that people are coming into compliance. Mr. Allison advised that there are close to 40 residents who are taking advantage of the 72 hour time frame. Mr. J. Smith asked how other municipalities are handling this. Mr. Allison stated that Dover and York Townships only follow up on a complaint basis. He added that only a few in the Township were followed up on because there was a complaint from a neighbor. Most were found as he actively looked for violations. Mr. P. Smith noted that if a property owner gets a notice of violation, he often reports others that he is aware of.

Mr. Allison advised that he can look at these figures more closely and try to come up with additional options. He reminded the Board that the Agricultural Zone is not addressed and he could propose something for that zone. He asked the Board if they would like him to pursue this. He added that he needs something concrete in order to enforce the ordinance. On the motion of Jan Smith seconded by Dean Heffner, the Board tabled the discussion. Motion carried. Three votes yes.

- D. Mr. P. Smith advised that the Dog Officer's Report for May is available. He noted that the Township has also received notification of their vacation dates. He commented that they seem very personable. Mr. Heffner added that they seem to be doing a good job.
- E. Ambulance contract negotiation – Mr. P. Smith advised that he did not have a chance to review this. Mr. Heffner added that he did not either. The Board tabled the topic.
- F. Engineering/Traffic Studies – Mr. P. Smith stated that he had seen an article in the Township News that some municipalities are doing their own studies. He stated that he is not looking to increase the staff size but asked if it may be possible to share this work with another municipality. He asked how other municipalities are handling this. Mrs. Gunnet advised that the Township will be hosting a class that is going to discuss this. She noted that a date has not been set at this time. Mr. Trout stated that he had attended a one hour class on traffic engineering in Hershey. He commented that the Township could do basic work but an engineer would still be needed for some

studies. Mr. J. Smith asked what the Township's liability would be if we did the studies. Mr. P. Smith stated that the Township would still be pulled into a lawsuit even if the study was done by an engineer.

Mr. J. Smith asked what the fees are now that the County is charging. Mrs. Gunnet advised that the first one is \$250. If multiple are requested at the same time, the subsequent fees drop to \$200 each.

Mrs. Gunnet advised that Manchester Township and York Township do traffic studies in house. She stated that she can ask about this at her next Manager's meeting. The Board agreed.

- G. Act 537 Study – Clarification on septic repair options – Mrs. Gunnet advised that the on site inspections are taking place now. One of the questions that some of the residents are asking is if the Township is going to help with the cost to repair systems because the homeowners do not have the money to do it. She stated that this had been briefly discussed at a previous meeting. She stated that the Township could do a program similar to the Route 74 water extension where the Township fronted the money and liened the properties. Mr. J. Smith advised that he feels it is the responsibility of a property owner to keep the system functioning. Mrs. Gunnet noted that it could be a possibility that the Township would be required to extend public sewer in different areas if the systems are not brought up to standards. Mr. J. Smith stated that he does not want the Township to be a bank. He added that property owners can borrow from a bank. Mr. Heffner commented that he could understand helping them out. Mr. J. Smith asked if the money would be interest free. Mrs. Gunnet advised that it would not. Attorney Rausch stated that he believes the interest rate charged was the same amount that the Township was receiving when the Route 74 water repayment agreement was set up. Mr. Allison questioned if the Township could offer this when DEP notifies us that public sewer would need to be extended. Mr. J. Smith asked how we would know that the work was completed. Mrs. Gunnet advised that there would be documentation because the Sewage Enforcement Officer would need to go out to do inspections. Mr. J. Smith questioned how many systems are failing. Mrs. Gunnet advised that the paperwork does not state how many, it just lists problem areas. Mr. P. Smith stated that he would like to know how many. Mr. Allison noted that it is based on the survey not an actual inspection. Mrs. Gunnet commented that she would try to obtain that information.
- H. Agricultural Security Area – 7 Year Review – Mrs. Gunnet advised that she has been notified that it is time to review the Agricultural Security Area. She noted that in the past if the Township took no action, a property was deemed to be added. This eliminated the need to post properties, send mailings and advertise for a meeting. She stated that based on this, she contacted Attorney Rausch to see if the Review could be handled the same way. He stated that it could be as long as there were no requests to add or remove any properties. It was the consensus of the Board to take no action.

10. Unfinished Business

- A. Panorama Hills Pump Station update – Mrs. Gunnet advised that she had emailed Mr. Holweck for an update but he has been busy working on getting Rose Brook and Rose Brook II ready for adoption this fall.
- B. Herre Bros. – Trench drains – Attorney Rausch advised that he has been trying to schedule a meeting for mediation. He stated that now emails between Herre Bros. and LSC have surfaced that were from prior to the installation of the trench drains. Mr. Heffner stated that the Township had paid LSC for inspections to ensure the work was done properly. Mr. Trout commented that Herre Bros. installed them incorrectly. Mr. Heffner advised that it was LSC’s responsibility to stop the work.  
  
Mr. Heffner asked if there has been any contact with Paragon. Attorney Rausch advised that a letter was sent to them requesting information on why they recommended what they did. Mr. Heffner commented that this is going to end up in court.
- C. George Schaffer – 235 Bahn’s Mill Road – water – Mrs. Gunnet advised that Mr. Schaffer has the agreement and he is going to review it with his attorney.

11. Public Comment – There was none.

12. Supervisors Comments – Mr. P. Smith asked the Board if they had any comments. Neither Mr. Heffner nor Mr. J. Smith had any comments.

Mr. P. Smith advised that he has been approached regarding the need to encroach into the intersection of Zimmerman Road and Blouse Road to see to pull out. Mr. Trout will look into the matter.

13. On the motion of Jan Smith seconded by Dean Heffner, the bills were approved. Motion carried. Three votes yes.

14. The meeting of the Windsor Township Board of Supervisors adjourned at 7:47 p.m.

Respectfully submitted,

Jennifer L. Gunnet  
Secretary

CITIZENS PRESENT

June 7, 2010

Barry L. Myers

Vera Miller

Christopher Kraft

Yvonne Emenheiser

Allen Emenheiser

Gene & Bobbie Zimmerman

Officer Michael Zinn, Jr.

Jo Brindley

Julia Klus

Yoe Fire Department

830 Marvell Drive York PA

221 Overview Circle West Red Lion PA

1027 Hastings Boulevard York PA

1027 Hastings Boulevard York PA

860 Zimmerman Road Red Lion, PA

York Area Regional Police Department

American Cancer Society

American Cancer Society