

WINDSOR TOWNSHIP BOARD OF SUPERVISORS
September 19, 2016

1. The meeting of the Windsor Township Board of Supervisors was called to order by Chairman Vice Chairman Jo Anna Shovlin at 6:00 p.m.

Those present: Jo Anna Shovlin, Rodney Sechrist, Attorney Charles Rausch, John Klinedinst, Jennifer Gunnet, Jeremy Trout, Kipp Allison and Deanna Coble. See the attached list of citizens present.

2. The Pledge of Allegiance was recited.
3. Approval of the minutes from the August 15, 2016 meeting were tabled due to Mrs. Shovlin not being present at that meeting.
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 reimbursement in the amount of \$57,133.50 for Winter Storm Jonas has been received from the Pennsylvania Emergency Management Agency.
 - C. Mrs. Gunnet advised that the York County Association of Townships of the Second Class will be holding its 100th Annual Convention on Thursday, November 10, 2016 at Heritage Hills. She asked the Board to let her know if they plan to attend so she can RSVP.
 - D. Mrs. Gunnet advised that she has received a letter from the York Health Foundation thanking the Board for the donation to VNA Home Health.
 - E. Mrs. Gunnet advised that she has received a letter from the Pennsylvania Department of Transportation regarding the abandonment of a portion of Cape Horn Road and acquisition of land. Mrs. Gunnet explained that there are forms that must be approved to abandon a portion of Cape Horn Road between East Prospect Road and Starlight Drive due to the realignment of the road and also for the acquisition of the land at the intersection of Starlight Drive, Cape Horn Road and Natalie Lane by PennDOT for Windsor Township. PennDOT also requested that the Township inspect Natalie Lane. Mr. Trout has done so and no issues were found. Signage will be posted on the street to ensure that there is no parking at the turn around area. **On the motion of Rodney Sechrist seconded by Jo Anna Shovlin, the Board approved the completion of the necessary forms. Motion carried. Two votes yes.**
5. Windsor Township Fire & Rescue Association – Eric Myers was present. He did not have anything specific to report.
 - A. Mr. Myers advised that the next Fire Chiefs meeting will be held on September 22nd at Felton.
 - B. Mrs. Gunnet advised that the burn ban was lifted on August 22, 2016.

- C. **Union Volunteer Fire Company - Request for Loan** - Mrs. Gunnet advised that she has received a request from the Felton Fire Company to borrow **\$20,000** from the Township. She stated that the Board had set a policy that they would loan up to \$100,000 with a 1 year term at the current CD interest rate. That rate is currently 1.5%. Mrs. Shovlin commented that this is for the purchase of a quick response vehicle. She questioned if the fire company had applied for a grant for the purchase. Scott Gingerich was present. He advised that they have been approved for a grant but need to secure funding until it is received. **On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board approved the loan. Motion carried. Two votes yes.** Mrs. Gunnet advised that a loan agreement will be prepared.
- D. Fire Hydrant training - Mazie Gable Elementary School - Mrs. Gunnet advised that she checked with the school district regarding the use of a fire hydrant for training purposes. The best location is at Mazie Gable. There is a fire hydrant that is located on their access drive and the runoff would go into the detention basin. She stated that she was informed that PennDEP requires the water to be dechlorinated before it is released into a stream. Mr. Klinedinst advised that this will not be an issue as it will be draining to a basin and not a stream. Mrs. Gunnet added that the Red Lion Municipal Authority has a fire hydrant at their treatment plant that can be used as well.
6. York Area Regional Police Department - Chief Tim Damon was present. He advised that the hourly report was provided today as changes were necessary due to the hours for school resource officers.
- A. The monthly report for August is available for review. Chief Damon noted that there was an accident at the intersection of East Prospect and Freysville Roads but it was due to careless driving. The driver failed to stop. He noted that the design of the intersection was not the issue. Chief Damon advised that the other notable item in the report was the cooking fire on Palomino Drive.
7. David Lewis - 1570 Craley Road - Request for waiver from Stormwater Management Ordinance - Mr. Lewis advised that he has lived at this property for 22 years. He stated that he applied for a Building Permit to construct a garage approximately 10 years ago and he received a violation letter in April because he did not install a seepage pit. He stated that the garage has been completed for many years and there has not been an issue with the runoff from it. The only water issue in this area is from the farm behind his property. He stated that he did not recall that he needed to install a seepage pit for the garage and only renewed his permit so that he would have it open for future projects. He noted that he did obtain a quote in the amount of \$6,600 to install a pit.

Mr. Allison advised that the Board has received a memo from him. The Building Permit was issued in 2007 for the garage which required a seepage pit. He has extended the permit 4 times and is unable to do so again. He stated that he has spoken with Mr. Lewis in the past about the installation of the pit. He advised that he also spoke with him after he received the letter in April in which he requested an extension until the end of the year. He noted that the pit was a requirement from the ordinance and was detailed on the original Building Permit. Mrs. Shovlin questioned if the permit had been signed for. Mr. Allison stated that it had. Mrs. Shovlin advised that the Township is not targeting him and cannot grant waivers for everyone as this sets a precedence.

Mr. Allison noted that he is using the building. He added that when he had spoken with him he had agreed to give him until the end of the year to complete the pit and Mr. Lewis informed him that it would be completed. Mr. Lewis stated that if the Board requires him to install the pit, he will not be able to have it finished by the end of the year.

On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board denied the waiver for the installation of the seepage pit and required that it be installed by the end of the year. Motion carried. Two votes yes.

8. MS4:

A. Resolution #2016R-09-01 - York County Regional Pollutant Reduction Plan Opt-In/Opt-Out - Mr. Klinedinst explained that as a part of the 2018 Permit, a Pollution Reduction Plan is required. The York County Planning Commission has taken a step forward starting a regional plan and it must be decided if the Township is going to opt in or opt out of the plan. Under the regional plan, project ideas have been discussed but not selected. The Township will be required to pay toward the project cost but that figure is unknown. If the Township opts out, we would be responsible to create our own plan and implement our own projects within the Township.

Attorney Rausch questioned what would happen to the Chesapeake Bay Pollution Reduction Plan. Mr. Allison stated that the plans would likely be combined. Mr. Klinedinst noted that the Township would have two representatives if we chose to opt in to the regional plan. The amount of existing BMPs has an effect on the amount of reduction that is required by the plan. Mr. Allison commented that once the Township has calculated this amount it could be determined that the Township is already close to meeting the requirements. It is unsure if the Township can opt in and then back out. Attorney Rausch advised that a Resolution would need to be approved and perhaps can be worded in such a way that would allow for this.

Mr. Klinedinst stated that it is difficult to determine the most cost effective method because the fees are unknown. Mrs. Shovlin questioned if a representative from the YCPC can attend the next meeting to discuss. Mr. Allison expressed his concern that they may not be able to answer questions because they do not know all of the information at this time. Mr. Klinedinst noted that the YCPC will be presenting to Lower Windsor Township.

It will be necessary for the Township staff to compile a spreadsheet detailing the existing BMPs. Mrs. Gunnet advised that it will take time to collect the data. She requested that the Board consider allowing the Township Office to be closed on several Fridays to work on this. She noted that she did speak with Mr. Heffner regarding this knowing that he would not be present this evening and he was agreeable.

It was the consensus of the Board to allow the Township to close on Fridays and to have the York County Planning Commission present information at the next meeting so that a decision can be made.

- B. PennDOT - Longstown Intersection Stormwater - Mrs. Gunnet advised that the detention basin that was installed in front of the Covenant Moravian Church as part of the road improvement project does not function properly even after it was redesigned. Mr. Klinedinst stated that PennDOT is requesting that the Township waive the volume requirement to allow the pond to be removed. PennDOT is currently working on obtaining certification that the additional flow into the Township's stormwater system will not violate the MS4 permit. He advised that he believes that the York County Conservation District needs to approve an amended NPDES permit. **On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board approved the waiver with the condition that the York County Conservation District approves an amended NPDES Permit. Motion carried. Two votes yes.**

9. PLANS FOR APPROVAL:

- A. LAUREL VISTA, PHASE II - Final Subdivision Plan #686.11 by Site Design Concepts for 14 lots off Windsor & Valley Roads - Scott DeBell with Site Design Concepts and Bill Briegel with Keystone Custom Homes were present. Mr. DeBell explained that there is one outstanding comment and they are requesting conditional approval of the plan. Mr. Briegel explained that there is a Met-Ed easement that crosses Lot 148 and they are proposing to place a driveway within it. They have requested approval from Met-Ed but they want to see a recorded plan prior to issuing their approval. Mr. Briegel advised that Keystone Custom Homes is willing to amend the plan to convert this lot to open space if the approval is not granted. Attorney Rausch noted that would require a revised subdivision plan. Mrs. Gunnet questioned if this would present an issue with the homeowner's association.

Attorney Rausch questioned what Keystone is trying to obtain from Met-Ed. Mr. Briegel stated that it is an authorization letter permitting the driveway to be within their overhead line easement. Mr. Allison noted that there have been other projects in the Township where the homeowner has obtained an approval letter from Met-Ed so this is possible. Mr. Klinedinst suggested contacting Met-Ed again to gain approval.

Mrs. Gunnet advised that there will be a Pre-Budget Board meeting on October 11th and if the authorization letter is obtained from Met-Ed, the plan could be discussed then. The Board agreed to this and the plan was tabled.

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

11. Township Engineer:

- A. Surety reductions - Windsor Meadows & Whisper Run, Phases I & II - Mr. Klinedinst advised that he has received security reduction requests for Windsor Meadows & Whisper Run, Phases I & II. He recommended reducing the security for Windsor Meadows to \$0 since the development is now complete. A structural integrity bond is being held. Mr. Klinedinst recommended that the security for Whisper Run, Phase I be reduced in the amount of \$56,118 to leave a remaining balance of \$118,961 and a reduction for Phase II in the amount of \$249,132 to leave a balance of \$192,341.55.

On the motion of Rodney Sechrist seconded by Jo Anna Shovlin, the security reductions were approved based on the recommendation of the Township Engineer. Motion carried. Two votes yes.

12. Public Works:

- A. Mr. Trout advised that the Board has received the monthly report for September. Mrs. Shovlin commented that she saw that there was property damage caused by the sewer backup on Windsor Road. She questioned the amount. Mrs. Gunnet advised that there were two properties effected and the damages have been approximately \$3,000. Mr. Silar still has a few rugs to replace.
- B. Wise Avenue - Connection Update - Mrs. Gunnet advised that Mr. Reinhart has still not connected. He called the office on September 7th to obtain the amount for past due invoices but has not paid. He is unable to apply for the York County Planning Commission program because he has an outstanding debt with the Township. She noted that a neighbor put a note in with their payment regarding Mr. Reinhart not being connected. She stated that she did speak with the neighbor to update them on the status. **It was consensus of the Board to file another citation.**
- C. **Delta Road Pump Station - PSI Pumping Solutions - 120 Day Time Extension, Liquidated Damages** - Mrs. Gunnet advised that at the last meeting, PSI Pumping Solutions requested that the Township consider charging them for actual damages instead of liquidated damages. She noted that the expenses have been totaled and amounts to \$2,528.05. Attorney Rausch questioned what the amount would be for liquidated damages. Mr. Klinedinst advised that it would be approximately \$5,500. He noted that it would not set a precedence to do this. **On the motion of Rodney Sechrist seconded by Jo Anna Shovlin, the Board approved to waive the liquidated damages and access actual damages in the amount of \$2,528.05. Motion carried. Two votes yes.**

On the motion of Rodney Sechrist seconded by Jo Anna Shovlin, the Board approved payment application #2 in the amount of \$287,237.50 with the condition that the payment be held until the actual damages are paid. Motion carried. Two votes yes.

- D. **Sale of 2000 Ford F450 Dump Truck & 2001 Bomag Roller** - Mrs. Gunnet advised that the bid results are attached to the Board's agenda. Both items were placed on Municibid. The high bid for the truck was \$14,300 and the high bid for the Roller was \$11,800. **On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board approved to sell the truck and roller to the high bidders. Motion carried. Two votes yes.**
- E. **Request to adopt streets in Shawnee Manor – Liquid fuels funds** – Mrs. Gunnet advised that Attorney Malone, on behalf of Mr. and Mrs. Stoltzfus, had previously been before the Board regarding the adoption of the streets in Shawnee Manor. An onsite inspection of the development was completed earlier in the year and a punch list had been created. However, the contractor was never told to complete the work. The developer is requesting that the Township adopt the streets this year and due to this being after the adoption deadline, they will reimburse the Township the funds that would have been received for State Liquid fuels. Mrs. Gunnet advised that based on PennDOT's formula, the amount would be \$459. She noted that the center line description has already been received. Mr. Trout added that it would not take long for the contractor to complete the

necessary work. Mr. Allison commented that the Township needs to ensure that the NPDES permit is valid. **On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board approved to adopt the streets in Shawnee Manor with the conditions that the NPDES permit is current and security is held for other improvements in the development. Motion carried. Two votes yes.**

- F. **York Township – Connection of sewer main to Chapel View Pump Station – Increase requested EDUs from 14 to 53** - Mrs. Gunnet advised that she has received a letter from York Township requesting additional units of capacity for the connection to the Chapel View Pump Station from lots in York Township. The Board had previously approved for this to occur but a new map has been provided that substantially increases the number of EDUs from the original request. Currently the pump station is at 15% capacity. An Intergovernmental Agreement will be required. **On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board accepted the concept as requested. Motion carried. Two votes yes.**
- G. **Propane Bid results** – Mrs. Gunnet advised that the bid results are attached to the Board’s agenda. The low bidder is **Bernville Quality Fuels** from the Reading area. She stated that she contacted them to confirm that they were aware that this is the Windsor Township in York County and not Berks County. They stated that they were aware. The 2015-2016 contract with Suburban Propane was \$1.10 per gallon. This bid is for **\$.92 per gallon**. She noted that there is a clause in the bid regarding penalties should the Township run out of fuel. **On the motion of Rodney Sechrist seconded by Jo Anna Shovlin, the Board awarded the bid to the low bidder. Motion carried. Two votes yes.**
- H. **Beaverson Pump Station Elimination – Update** - Mrs. Gunnet advised that all of the right-of-ways have been obtained and we are waiting for PennDEP permits. Springettsbury Township would like to bid the project and construct in 2017. The Township will then pay a lump sum when the project is completed.

13. Other Business:

- A. Mrs. Shovlin advised that the Board has received the Zoning Report for August. There were no questions.
- B. Mrs. Shovlin advised that the Board has received a copy of the Township Manager Report for August. There were no questions.
- C. Mrs. Shovlin advised that the Board has received a copy of the Animal Control Officer Report for August. There were no questions.
- D. Mrs. Shovlin advised that the meeting scheduled for October 3rd will be cancelled.

- E. **Former Spring Valley Pool Property update** - Recreation Plan – Proposal, Insurance coverage – Pool, Tax Exemption – RLASD & Windsor Township, York Excavating – Donation – Mrs. Gunnet advised that she and Mr. Heffner met with Bob Good from Pashek Associates. A Recreation Plan proposal has been given to Attorney Rausch for review. He had two comments. It is not to exceed \$20,000. She stated that they are agreeable to holding all billing until 2017 since there are no funds budgeted in 2016. Mr. Good will be contacted regarding the comments.

Mrs. Gunnet advised that the insurance company has agreed to not assess insurance coverage as a pool since it is not operational.

Mrs. Gunnet advised that the Red Lion Area School District has granted tax exemption status for the property. The Township must now grant ourselves the same status. On the motion of Rodney Sechrist seconded by Jo Anna Shovlin, the Board granted tax exemption status for the former Spring Valley Pool property. Motion carried. Two votes yes.

Mrs. Gunnet advised that she met with Jeff Walker from York Excavating. She reported that he would like to donate the use of equipment and labor for the community center project. Their office is moving back into the Township and the owners reside in the Township and he wants to be a contributor to the community. She stated that this would be handled through the bid.

- F. **Former Stoltzfus property update** – Settlement held – September 9th, Request for tax exemption & Insurance coverage – Mrs. Gunnet advised that settlement for the property was held on September 9th. She stated that like the Spring Valley property, the Township will need to grant ourselves tax exemption status. On the motion of Rodney Sechrist seconded by Jo Anna Shovlin, the Board granted tax exemption status for the property. Motion carried. Two votes yes.

Mrs. Gunnet advised that the insurance company is valuing the building at \$176,000. She stated that she does not believe it is worth that but the only other option is to not insure it. She stated that she has taken pictures and sent it to them for review and hopefully a middle ground will be settled on. She stated that under the current miscellaneous equipment policy, items would be insured up to \$1,000 each. If the value of items were to exceed this, they should be specifically listed on the policy.

Mrs. Gunnet advised that the tracks on the doors are damaged and do not operate properly. She added that not much can be put inside until they are repaired. She added that currently there is no electric to the building.

- G. **Electronics Recycling Event** - Mrs. Shovlin advised that an Electronics Recycling Event will be held on October 29th from 9:00 a.m. to 12:00 p.m. at the Public Works Building. It will be limited to Township residents only.
- H. **Sewer Utility billing** – Update – Mrs. Gunnet reported that bills were mailed out on August 19th. She stated that the process is going well but there are still some issues with the processing of the liens.

- I. **Animal Control Officer Appointment of Klugh Animal Control Services effective 1/1/17** - Mrs. Gunnet advised that she, Elizabeth Heathcote from York Township and Connie Stokes from Dallastown Borough met with Michelle Klugh regarding the position of Animal Control Officer. She stated that her rate is \$44 per hour. Allegiant Animal Control had been \$48 and Mary Harris was charging \$27 per hour. Ms. Klugh is not requiring a retainer fee. She has a kennel license and insurance. **On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board appointed Klugh Animal Control Services as the Township's Animal Control Officer effective January 1, 2017. Motion carried. Two votes yes.**
- J. Minimum Municipal Obligation – Non-Uniform Pension Plan & Police Pension Plan – Mrs. Gunnet advised that every September, she is required to inform the Board of the minimum municipal obligation for the pension plans. No action is necessary. She stated that the plan for the police will be \$0 since there are no active members. The Township will have an increase of approximately \$7,400. The State Aid had increased approximately \$5,000 in 2016 so hopefully there will be an increase in 2017 as well. The amount for 2016 was \$26,000 and \$33,000 had been budgeted.
- K. Mrs. Gunnet advised that the Board has received the Transitional Report for September from ARRO. There were no questions.
- L. Request for Engine Brake restriction – Rt. 24 from Windsor Road to Rt. 124 – Mrs. Gunnet advised that she has received a request from Clair Deller who resides at 3330 Starlight Drive to restrict engine brakes on Cape Horn Road from Windsor Road to East Prospect Road. She stated that the Township had received a similar request in the past. PennDOT will not restrict them if the slope is above a specific percent due to safety issues. It was the consensus of the Board to submit the request to PennDOT. A copy of the letter will also be sent to York Township.

14. Unfinished Business:

- A. Personnel Policy - Firearms - The Board tabled this topic until all Board members are present.
- B. Zoning Ordinance - Chickens - Mr. Allison advised that the Board has received a memo from him. He questioned if the Board would like to pursue an amendment to allow for chickens in a residential zone. He stated that he does have concerns about enforcing regulations. Mrs. Shovlin stated that she is concerned about waste disposal and noise. Mr. Allison recommended not changing the Ordinance at this time. **It was the consensus of the Board to not amend the Zoning Ordinance regarding chickens.**

15. Public Comment – Mrs. Shovlin noted that if speakers do not wish to have their address recorded, they must state this when speaking. There was none.

16. Supervisors Comments – Mrs. Shovlin asked Mr. Sechrist if he had any comments. He did not.

Mrs. Shovlin stated that she would like to commend Mr. Trout and the Sewer Department employees for their work with the Panorama Pump Station upgrade and the feature article that was published in the Municipal Sewer & Water magazine. She commented that this is nice recognition for the Township.

17. On the motion of Rodney Sechrist seconded by Jo Anna Shovlin, the bills were approved. Motion carried. Two votes yes.
18. The meeting of the Windsor Township Board of Supervisors adjourned at 8:23 p.m.

Respectfully submitted,

Jennifer L. Gunnet
Secretary

CITIZENS PRESENT

September 19, 2016

Eric Myers
Bill Briegel
Scott DeBell
Chief Tim Damon
Dave Lewis
Gary E. Shovlin
Chris Kraft
Scott Gingerich

Windsor Township Fire & Rescue
Keystone Custom Homes
Site Design Concepts
York Area Regional Police Department
1570 Craley Road Windsor PA
532 El Dorado Drive Red Lion PA
221 Overview Circle W. Red Lion PA
Felton Fire Company