

WINDSOR TOWNSHIP BOARD OF SUPERVISORS

October 17, 2016

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

Those present: Dean Heffner, Jo Anna Shovlin, Rodney Sechrist, Attorney Charles Rausch, Christopher Kraft, 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 Rodney Sechrist, the minutes from the August 15, 2016 were approved. Motion carried. Two votes yes. Mrs. Shovlin abstained from voting due to not being present at the meeting.

On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the minutes from the September 19, 2016 meeting were approved. Motion carried. Two votes yes. Mr. Heffner abstained from voting due to not being present at the meeting.

On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the minutes from the October 11, 2016 meeting 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.
 - B. Mrs. Gunnet advised that she has received an invitation from the Leo Independent Fire Engine Company No. 1 to their Appreciation Banquet which will be held on Saturday, November 19th. She asked the Board to let her know if they are planning to attend so she can RSVP.
 - C. Mrs. Gunnet advised that she has received a letter of resignation from Elmer Fromm from the Windsor Township Emergency Management Agency.
 - D. Mrs. Gunnet advised that she has received a letter of resignation from Kevin Markel from the Windsor Township Emergency Management Agency.
 - E. Mrs. Gunnet advised that she has received a letter from the Red Lion FFA requesting a donation toward the National FFA Convention in Indianapolis. The Board has received a copy of the letter. Mrs. Shovlin commented that the letter was vague and questioned if there was a suggested amount. It was the consensus of the Board to table the request until additional information is received.
 - F. Mrs. Gunnet advised that she has received a letter from Charles Rausch of Blakey, Yost, Bupp & Rausch, expressing his desire to remain as the Township Solicitor for 2017.

- G. Mrs. Gunnet advised that she has received a letter from the Red Lion Area Community Services thanking the Township for their donation.
 - H. Mrs. Gunnet advised that the Township has received a copy of the 2015 Financial Report for York Regional Emergency Medical Services. The Board has received a copy of the report. There were no questions.
 - I. Mrs. Gunnet advised that she has received a letter from Felton Borough requesting that the Township join them in sending a letter to PennDOT for the paving of Felton Road as part of the Betterment Program. It was noted that Felton Road was last paved in 1986 and the Township had also submitted this road for the program in the past. It was the consensus of the Board to send the letter of support.
5. Windsor Township Fire & Rescue Association – Eric Myers was present. He did not have anything specific to report. Mrs. Gunnet questioned if a date has been set for fire hydrant training. Mr. Myers stated that it has not.
- A. Mr. Myers advised that the next Fire Chiefs meeting will be held on November 17th at Jacobus.
 - B. **Union Volunteer Fire Company - Loan Agreement** - Mrs. Gunnet advised that the loan agreement has been signed by Felton and is ready for approval. **On the motion of Rodney Sechrist seconded by Jo Anna Shovlin, the Board approved the Agreement. Motion carried. Three votes yes.**
6. York Area Regional Police Department - Sergeant Joel Good was present. He reviewed the monthly report for August, noting that there were two DUI arrests and the Township is over by 105 man hours. He added that two officers will be graduating from the academy on November 22nd.
- A. The monthly report for August is available for review.
7. Isaiah Gingrich - Eagle Scout Project - Gaga Ball at Freysville Park - Isaiah Gingerich advised that gaga ball is a fast growing game in the United States and is for all ages. He explained that it is a type of dodge ball that you play in a octagon shaped pit with wood walls. He stated that the games typically last five to ten minutes and the objective is to eliminate an opponent by hitting them with a ball below the waist.

Mr. Gingerich explained that he is interested in installing a court at Freysville Park as his Eagle Scout Project. He noted that he will have his own funding but the Township is welcome to donate to the project. He stated that they can be purchased as a kit. The type of base would need to be decided on. Some options include grass, tire bits, stone, concrete or mulch. Mrs. Shovlin questioned if he has a target date for installation. Mr. Gingerich stated that it would need to be completed by July 2017 but he could still have it completed this year. He noted that the location would need to be determined and he suggested near the playground. Mrs. Shovlin asked if there

are any insurance liability for this use. Mrs. Gunnet advised that she could check into this. Mrs. Shovlin added that she thinks it is a great idea and to check with WARC for their input. It was the consensus of the Board to table the request.

8. Jessica Horn - Number of domestic pets - Ms. Horn advised that she has lived in the Township for 47 years and has been at her current home since 1987. She stated that she received a Notice of Violation for exceeding the number of pets permitted and admitted that she has had too many dogs since she purchased the property. She explained that many of the Township's Dog Officers were aware of her situation. She noted that her property is tidy and she has a fenced yard. Ms. Horn noted that she met with Mr. Allison previously to discuss a kennel license but was told she did not qualify. She advised that the dogs that she breeds are AKC certified and are show and therapy dogs. She stated that she feels that this limitation is unfair to people who are responsible pet owners and suggested the Board consider changing the regulation. She advised that her property is for sale and she has already moved out of the Township so the violation no longer exists.

9. MS4:

A. Resolution #2016R-09-01 - York County Regional Pollutant Reduction Plan Opt-In/Opt-Out - John Seitz with the York County Planning Commission was present. Mr. Allison advised that he spoke with Mr. Seitz to give him an idea of the Board's questions so that he can address those concerns specifically. Mr. Seitz stated that he understands that the Board is concerned about the cost but unfortunately a set figure is unable to be determined. He added that typically projects cost less when done as a regional group. Attorney Rausch advised that Springettsbury Township put a clause in their Agreement that they will not adopt the Resolution until the cost is known. Mrs. Shovlin questioned if the Township would be able to opt in to the plan and then drop out later without penalty. Mr. Seitz stated that by doing this it could have an effect on the Township as it would be necessary to keep working on the implementation on an individual level to meet the deadline.

Mr. Allison advised that he attended the Lower Windsor Township meeting last week at which the York County Planning Commission gave a presentation to their Board. He commented that what Springettsbury Township did is fine. However, if we chose to opt out at a later time, there is potential that we would not meet the required deadlines. He noted that this project needs to be started on immediately. Mr. Seitz stated that there is flexibility with a regional plan and they have support from PennDEP. Mrs. Gunnet questioned how many municipalities have opted in so far. Mr. Seitz stated that he believes 32 of 49 have opted in. Mr. Allison added that with support from the group and the County, if we would fall short we would be looked on as a whole and not an individual.

Mr. Seitz stated that a York Township had done a study to determine an approximate cost. Their five year fee for the Chesapeake Bay Pollution Reduction Plan was approximately \$59,000 for five years or \$11,800 per year. Using the same formula, they estimated the cost for the Regional Pollutant Reduction Plan would be approximately \$205,590 for five years; approximately four times as much. Mr. Allison noted that the Township's contribution to CBPRP is \$5,600 per year. Even if it were to be quadrupled in cost, he estimated that the cost

to retrofit a detention basin could be \$50,000 and to meet the requirements more than one could be required per year.

Attorney Rausch advised that by approving the Resolution, it will show the intent to opt in to the Regional Plan. An Intergovernmental Agreement will be binding.

On the motion of Rodney Sechrist seconded by Jo Anna Shovlin, the Board approved Resolution #2016R-09-01 to opt in to the York County Regional Pollutant Reduction Plan. Motion carried. Three votes yes.

- B. Mrs. Gunnet advised that the Township Office will be closed on Friday, October 28th for MS4 research.
10. Solicitor - Attorney Rausch advised that he did not have anything to report.
11. Township Engineer:
- A. **Commonwealth Financing Authority Grant - Resolution #2016R-10-01 & Authorize chairman to sign letter of matching funds** - Mrs. Gunnet advised that as part of the Commonwealth Financing Authority Grant application, the Township must certify that the Township has the 15% grant match. The amount of the grant being applied for is \$471,500 which will be used for the 2017 sewer upgrade expenses. **On the motion of Rodney Sechrist seconded by Jo Anna Shovlin, the Board approved Resolution #2016R-10-01 and authorized the Chairman to sign the letter of matching funds. Motion carried. Three votes yes.**
12. Public Works:
- A. Mr. Heffner advised that the Board has received the monthly report for October. There were no questions.
 - B. Wise Avenue - Connection Update - Mrs. Gunnet advised that Mr. Reinhart has still not connected. He did contact the York County Planning Commission and had an appointment scheduled for October 12th. However, on October 11th, he called and cancelled stating that he did not have all of the required information. **On the motion of Jo Anna Shovlin seconded by Dean Heffner, the Board directed Mrs. Gunnet to file another citation. Motion carried. Three votes yes.**
 - C. **Delta Road Pump Station - PSI Pumping Solutions - Change Order #2 - Deduction of \$2,528.05 (Liquidated Damages)** - Mrs. Gunnet advised that at the last meeting, the Board had approved Payment application #2 but the check was to be held until the actual damages were paid. PSI Pumping Solutions has requested that the Township release the payment and approve Change Order #2 to have the actual damages deducted from their final payment application. **On the motion of Dean Heffner seconded by Rodney Sechrist, the Board approved Change Order #2. Motion carried. Three votes yes.**

- D. **Snow Plow Bid - Extension of 2015-2016 Contract - All Seasons Landscaping** - Mrs. Gunnet advised that All Seasons Landscaping was the only bidder last year and have agreed to the same rate as last year for this year. She stated that she contacted Attorney Rausch and it is permissible to extend the contract. **It was the consensus of the Board to extend the snow plow contract for All Seasons Landscaping for the 2016-2017 winter season.**

- E. **Update - Longstown Intersection** - Mrs. Gunnet advised that the Longstown Intersection is operating satisfactorily and has been turned back over to York and Windsor Townships for maintenance. Mrs. Shovlin questioned how the billing is handled for a shared intersection. Mrs. Gunnet explained that York Township pays these invoices and they then bill us half the cost. She stated that the Township pays invoices for the signals in the Cape Horn and Lombard Road area and then invoices York Township for half.

- F. **Subpoena - William Katzenberger case** - Mrs. Gunnet advised that Mr. Katzenberger is the resident on Van Zandt Way that threatened a Highway Department employee last winter. He had been originally charged with Disorderly Conduct but it was withdrawn and refiled as Terroristic Threats. The Township has received a subpoena for the hearing that is to be held on October 26th. Mrs. Shovlin requested that Mrs. Gunnet inform Representative Saylor's Office regarding this hearing.

- 13. **Former Spring Valley Pool property - Revised proposal to update Community Center Study** - Mrs. Gunnet advised that the items that were not addressed in the proposal have been corrected and other updates have been completed. The cost of the study is **not to exceed \$20,000. On the motion of Dean Heffner seconded by Jo Anna Shovlin, the Board accepted the revised proposal. Motion carried. Three votes yes.**

14. Other Business

- A. Mr. Heffner advised that the Board has received the Zoning Report for September. There were no questions.

- B. Mr. Heffner advised that the Board has received a copy of the Township Manager Report for September. There were no questions.

- C. Mr. Heffner advised that the Board has received a copy of the Animal Control Officer Report for September. There were no questions.

- D. Mr. Heffner advised that the meeting scheduled for November 7th will be cancelled.

- E. **Electronics Recycling Event** - Mr. Heffner 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.

- F. 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.
- G. **SPCA of York County - 2017 Animal Care & Housing Agreement** - Mrs. Gunnet advised that the rate for the Agreement is calculated at a rate of \$.50 per person based on the 2010 Census. This amounts to \$8,750. On the motion of Rodney Sechrist seconded by Jo Anna Shovlin, the Board approved the 2017 Animal Care & Housing Agreement with the SPCA of York County. Motion carried. Three votes yes.
- H. Yorkana Ballfield - 5 year agreement terminates 4/16/17 - 90 day notice for cancellation - Mrs. Gunnet advised that the agreement with the Yorkana Fire Company for the use of the ballfield was a 5 year term which expires in April 2017. She stated that WARC is still in need of a full size baseball field. The contract automatically renews for one year if it is not cancelled. She commented that there have been issues with maintenance at the field and it took effort to have the property cleaned up. However, maintenance of the field is easier now with the new mower and if there is something that needs done, she contacts the Fire Chief directly. Mrs. Shovlin commented that she worked hard to have the field upgraded when she was working for Representative Saylor and wants the field to remain in good condition.
- I. Developments where surety was not increased - Valley Meadows, Shawnee Manor and Taylor Estates, Phase II, Section A, Lot 1 - Mrs. Gunnet advised that the work has begun in Shawnee Manor with the intention for the streets to be adopted yet this year.

Mrs. Gunnet advised that there are no improvements completed for Taylor Estates, Phase II, Section A, Lot 1. Mr. Pasch previously owned the lots but they were foreclosed on and taken back by the bank. The lots were then resold and are up for sale again.

Mrs. Gunnet advised that there are still three developments that have not increased their security. She stated that John Adams had intended to have Valley Meadows ready for adoption. It was noted that there is a possibility that since he is a small builder, he may not be able to obtain additional financing. Mr. Allison stated that the improvements that are necessary may exceed the security that we are currently holding. Mr. Trout advised that when the walk through of the development was done, it would found that there is an issue with a sewer line. It was the consensus to send a letter to Mr. Adams establishing a date in which the surety must be increased by.

- J. Freysville Park - Possible installation of water fountain - Mrs. Gunnet advised that it has been requested to install a water fountain at the park. She commented that there is currently no outside water. Vandalism has decreased at the park but she recommended that it be installed in a location that would be monitored by the camera system. Mrs. Shovlin questioned if a vending machine could be installed. Mrs. Gunnet advised that there was one at the park years ago and it was vandalized frequently. The Board agreed to the installation of a water fountain with funds to be budgeted in 2017. There was discussion on the types of water fountains and how to winterize them.

K. **2017 Health Insurance costs** - Mrs. Gunnet advised that the Board has received a copy of the information from Benecon. **There will be a 7% increase for insurance in 2017.** She stated that she contacted Benecon to discuss options on how to reduce the percentage. She explained that currently the Township has a \$500 deduction for a single plan and a \$1,000 deductible for a family. The employee is responsible for paying the first half of the deductible, with a maximum of \$250 per person, and the HRA pays for the second half. She stated that if the deductibles were increased to \$750/\$1,500, it would be a savings of 1.4%. If they were to be raised to \$1,500/\$3,000, it would be a 2.4% increase. Currently the employees contribute 9% toward the cost of the plan.

Mrs. Gunnet commented that she anticipates that the 2016 refund will be less since there were several larger claims. There will also be three more dependents on the plan for 2017. If the Board decides they want to make changes, it needs to be sent to Benecon by November 5th so plan revisions can be made. **After discussion, it was the consensus of the Board not to make any changes.**

L. Request for a bench inside tennis courts - Mrs. Gunnet advised that she has received a request to place a bench inside the tennis courts. Mrs. Shovlin commented that she is afraid that people could get injured if they would run into it and is not in favor. It was the consensus of the Board to deny the request.

M. **Stanley Hevner - 80 Gilbert Road - Isolation distance release** - Mr. Allison explained that a heavy truck drove over Mr. Hevner's cesspool and damaged it. A new system needs to be installed and due to the steep slopes on his property, the perc site is within 100' of the well. It was the recommendation of the Sewage Enforcement Officer, Ethan Poe, to sign an Agreement that would remove the Township and Sewage Enforcement Officer from being liable. He noted that this is the approved process through PennDEP. Attorney Rausch advised that the Agreement should be recorded so that it is attached to the deed for future owners. He noted that he has a sample Agreement and will forward it to Mr. Allison. **On the motion of Jo Anna Shovlin seconded by Dean Heffner, the Board approved the Agreement for the isolation distance. Motion carried. Three votes yes.**

N. 2017 Tax Collector compensation - Mrs. Gunnet advised that Mrs. Heindel's term as the Tax Collector ends in 2017. If the Board wishes to change the compensation rate, it will need to be approved by the end of February. Currently the rate is \$1.10 per bill. It was the consensus of the Board to keep the same compensation rate.

O. Mr. Heffner advised that an Executive Session will be held after the meeting to discuss potential litigation and contract negotiations..

15. Unfinished Business - There was none.

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

17. Supervisors Comments – Mr. Heffner asked the Board if they had any comments. Neither Mrs. Shovlin nor Mr. Sechrist had any. Mr. Heffner did not have any either.
18. On the motion of Rodney Sechrist seconded by Jo Anna Shovlin, the bills were approved. Motion carried. Three votes yes.
19. The meeting of the Windsor Township Board of Supervisors adjourned into an Executive Session at 7:39 p.m. to discuss potential litigation and contract negotiations.

Respectfully submitted,

Jennifer L. Gunnet
Secretary

CITIZENS PRESENT

October 17, 2016

Vera Miller

Jessey Horn

Jane A. Horn

Sandy Kellenberger

John Seitz

Eugene Zimmerman

Roberta Zimmerman

Eric Myers

Sergeant Joel Good

Scott Gingerich

Isaiah Gingerich

1420 Windsor Road Red Lion PA

224 Jody Drive York PA

209 Jody Drive York PA

York County Planning Commission

860 Zimmerman Road Red Lion PA

860 Zimmerman Road Red Lion PA

Windsor Township Fire & Rescue

York Area Regional Police Department

Felton Fire Company