

WINDSOR TOWNSHIP BOARD OF SUPERVISORS

August 21, 2017

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, John Klinedinst, Jennifer Gunnet, Jeremy Trout, Kipp Allison and Deanna Coble.

2. The Pledge of Allegiance was recited.
3. On the motion of Jo Anna Shovlin seconded by Dean Heffner, the minutes from the June 19, 2017 meeting were approved. Motion carried. Two votes yes. Mr. Sechrist abstained from voting due to not being present at the meeting.

On the motion of Rodney Sechrist seconded by Dean Heffner, the minutes from the July 17, 2017 meeting were approved. Motion carried. Two votes yes. Mrs. Shovlin abstained from voting due to not being present at the 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 she has received a letter from the Community Reach, Inc. thanking the Board for the donation and asking for their continued support. She noted that this is the former Red Lion Community Services.
  - C. Mrs. Gunnet advised that she has received a letter from Comcast informing that they will be making changes to their Agreement for Residential Services. The Board has a copy of the information.
  - D. Mrs. Gunnet advised that she has received a copy of the Audit Report for the Felton Firefighters' Relief Association from the Department of the Auditor General. The audit covers the period of January 1, 2014 to December 31, 2016. She stated that there was one finding which was a carryover from the previous audit. The report indicated that the minutes that were taken did not provide sufficient detail. Mrs. Shovlin asked that Mrs. Gunnet contact the Association to discuss the matter.
5. Windsor Township Fire & Rescue Association – Jim Pritchard, Laurel Fire Company, was present. He advised that he had provided the second quarter report to Mrs. Gunnet after the previous meeting. He noted that it is comparable to the first quarter report. He stated that if the Township would like to see the report formatted differently, it can be changed. He commented that it does not currently give a precise account on the type of call. It can be broken down to list what calls are first due or assistance to another company. The Board agreed that they would like to see the breakdown.

- A. Mr. Pritchard advised that the next Fire Chiefs meeting will be held on August 24th at Laurel Fire Company. It was noted that the Board of Supervisors will be attending the meeting to discuss contracts.
- 6. York Area Regional Police Department - Corporal Joel Good was present. He reviewed the report for July, noting that the Township is currently over hours. There were no questions for him.
  - A. The monthly report for July is available for review.
- 7. **Kasie Ream - Golden Connections** - Ms. Ream advised that she is the Director of Social Services at the center as she handed out informational packets to the Board. She advised that Golden Connections currently has 1,129 members of which 21% live in Windsor Township. She noted that this is a 3% increase from last year. She advised that the center offers many programs and services, noting that the Meals on Wheels program continues to increase in need. She added that the center did receive a \$20,000 donation for this program.

Ms. Ream reviewed other information including income and expense reporting. She stated that last year when the Director attended a meeting she had reported that they were looking to purchase a property adjacent to the existing center. She advised that due to the need for a wall and the extreme expense to install it, they are no longer pursuing purchase of the land. She reported that they are currently in negotiations with the Red Lion Area School District to purchase a portion of the former Red Lion Country Club property. She noted that there are some preliminary designs included in the packet for the Board to review.

Ms. Ream thanked the Board for their support and requested that they keep the center in mind for future donations during budget time.

- 8. Wendy Telewicz - Stormwater easement in Windsor Meadows - Update - Ms. Telewicz advised that she contact PennDEP, the York County Conservation District and an engineer as the Board had suggested at the last meeting. She stated that DEP provided her with valuable information and read aloud a portion of it to the Board. She reported that the York County Conservation District did not find any violations of the NPDES permit. She stated that she was told that plantings within the grass filter strip would be an enhancement if maintained properly. She requested that she be allowed to keep the trees that she had planted within the stormwater easement.

Mr. Allison advised that he was copied on all of the correspondence. He stated that there are 21 lots that are impacted. The Board of Supervisors have already prohibited two property owners from placing improvements within the easement. He noted that the Subdivision Plan specifically states that nothing is permitted to be placed within the easement. Mr. Trout added that gaining access to the easement would be of importance for future maintenance.

Gary Guilmette, 20 Centre Court, advised that he is the President of the Homeowner's Association. He understands that no planting should be located within the area of access but does not see an issue with the planting of trees within the other areas. Mr. Allison advised that the Homeowner's Association is responsible for all maintenance and repairs to the stormwater easement. If the

plantings were to cause damage, it would be their responsibility for the repairs. Wayne Durbin, 85 Ava Drive, stated that his lot does not have this easement but commented that plantings could help with erosion. Mr. Guilmette questioned whose responsibility it is for repairs to the swales in the development. Mr. Allison stated that it would be the HOA. Amy Smith, 130 Ava Drive, commented that due to the fence to the rear of her property, she cannot maintain all of her yard. Christopher Telewicz, 100 Ava Drive, questioned who is responsible the fence. Mr. Allison stated that it is the HOA. Mr. Allison advised that there is not a procedural maintenance agreement in place for plantings within the easement because they are strictly prohibited on the subdivision plan.

Mrs. Shovlin questioned if Ms. Telewicz's property is the only one in violation in the development. Mr. Allison stated that it is not.

Mr. Guilmette, stated that the people who purchased in the development were not aware of all of these regulations. He commented that the fence that runs through the easement was not installed nor was the trench when many purchased their properties. It was installed by the Township afterward. Mr. Klinedinst advised that all of this information is on the subdivision plan. Mr. Allison stated that if the Township would agree to allow the plantings, it would need to be determined where they could be placed, maintenance of them and an agreement would need to be put in place. Mr. Guilmette commented that another option would be for the Township to grandfather the existing plantings and allow for no future plantings. Attorney Rausch advised that this option would not be possible as the Township cannot allow plantings in the easement as it is not permitted by the subdivision plan. He added that if the Township agreed to allow plantings an agreement would be prepared and would require action by the Homeowner's Association.

Jennifer Aggen, 110 Centre Court, advised that she backs up to Ms. Telewicz's property and she is in favor of allowing her to keep her trees.

Mrs. Shovlin stated that she would like to table the topic this evening and setup an onsite meeting. The Board agreed to this. Mr. Sechrist complimented Ms. Telewicz for her effort in obtaining the information that she provided.

9. Dominick Argento - Acceptance of Lot 63 of Whisper Run for recreational purposes - Mr. Argento was not present.

10. Solicitor:

A. Ordinance #2017-08-01 - Participation in Intergovernmental Cooperation Agreement for the Implementation of the York County Regional Chesapeake Bay Pollutant Reduction Plan - Attorney Rausch advised that he has reviewed the Agreement and it has been advertised for adoption. Mrs. Shovlin stated that she would like to put it on record that she is displeased that some municipalities are exempt from MS4 requirements. The Township's share will be approximately \$118,000 for five years beginning in 2018.

Keith Moore, 95 Ava Drive, questioned what MS4 is. Mr. Allison advised that it stands for Municipal Separate Storm Sewer System.

**On the motion of Dean Heffner seconded by Rodney Sechrist, the Board approved Ordinance #2017-08-01. Motion carried. Three votes yes.**

- B. Attorney Rausch advised that he sent a letter to the surety company for the Taylor Estates, Phase II development regarding collecting on the Letter of Credit. They responded asking for additional information. He stated that this information has been sent to them.

11. Township Engineer:

- A. **Windsor Manor Pump Station elimination - Update** - Mr. Klinedinst advised that Mrs. Gunnet and Rick Resh have had contact with the property owners and he does not foresee an issue obtaining necessary easements from them. Keystone Custom Homes has not responded yet. He stated that if the Township is looking to do this as a 2018 project, he can provide an estimate.

Mr. Trout informed the Board that the Beaverson elimination project will not be completed this year and it is now estimated to be completed in July 2018.

- B. Mr. Klinedinst advised that the Township is in the fifth year of the current NPDES Permit and will need to file a Notice of Intent to participate in the MS4 program for the next permit cycle. Attorney Rausch questioned if there will be additional regulations or requirements than that of the CBPRP. Mr. Klinedinst advised that the Township will still need to meet other normal requirements in addition to those of the CBPRP. **On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board approved to file the Notice of Intent. Motion carried. Three votes yes.**

12. Public Works:

- A. Mr. Heffner advised that the Board has received the monthly report for August. Mr. Heffner asked Mr. Trout to look at the Windsor Manor development for areas that need to be crack sealed.

13. Other Business:

- A. Mr. Heffner advised that the Board has received the Zoning Report for July. There were no questions.
- B. Mr. Heffner advised that the Board has received a copy of the Township Manager Report for July. There were no questions.
- C. Mr. Heffner advised that the Board has received a copy of the Animal Control Officer Report for July. There were no questions.
- D. Mr. Heffner advised that the Township will be holding an Electronics Recycling collection at the Public Works Building on Saturday, October 21st from 9:00 a.m. to 12:00 p.m. The Boy Scouts will be there to assist.

- E. Milner Heights Detention Pond - Update - Mr. Allison advised he has been working with C.S. Davidson in regards to the timeframe for the project. They are suggesting that the Township secure all permits this year and begin the work in the spring. This will be a better time for plantings as well.
- F. **Harlan Electric - Lease parking lot at former Spring Valley Pool property** - Mrs. Gunnet advised that she has been contacted by Harlan Electric, a subcontractor for Met-Ed, requesting to lease the parking lot at the former Spring Valley Pool property. This company will be replacing poles in the area and the parking lot would be used as a staging area. The timeframe would be six to eight weeks. An Agreement has been prepared and was reviewed by Attorney Rausch. **On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board approved the Lease Agreement with the proceeds to be deposited into the Community Center Fund. Motion carried. Three votes yes.**
- G. Mrs. Gunnet advised that she has received the 2015 and 2016 Financial Audit Reports for the Windsor Area Recreation Commission. There was one recommendation. The audit firm would like to see a written policy for the use of their Debit card.
- H. VALLEY MEADOWS - Mrs. Gunnet advised that the developer had previously posted the additional security as required. At that time, the Township had requested that the contractor provide a schedule for completion of the required work. This schedule has not been submitted to the Township. She questioned if the Board would like to set a deadline. There is an issue with the sewer main and once the plant is shut down for the year, paving cannot be completed prior to April 15th. It was the consensus of the Board for the work to be completed by April 30, 2018. A letter will be sent to Mr. Adams.
- I. Block Party at Whisper Run - Update - Mrs. Gunnet advised that the Whisper Run development did not have the Block Party. One of the residents contacted Ms. Tappin and told her they were not in favor of the party so she cancelled it as to not upset them.
- J. After discussion, it was determined that the 2018 Pre-Budget meeting will be held on September 25th at 9:00 a.m. at the Township Office and the 2018 Budget Workshop will be held on October 23rd at 9:00 a.m. at the Township Office.
- K. Mr. Heffner advised that the summer meeting schedule is in effect so there will not be a Board meeting on September 4th.
- L. Freysville Park - Detention pond planting - Mr. Allison advised that the Board has a copy of a packet from the Penn State Extension as well as a map of the proposed improvement area. He explained that the Master Watershed Stewards are proposing to retrofit a swale and detention basin at Freysville Park. He stated that the intention is that it will be more of an educational feature but it would count toward MS4 reductions. The group has \$1,500 to put toward the project but to complete the project properly, it will exceed this amount. He asked if the Board would consider funding the additional amount as there are funds available in the MS4 budget. Mrs. Shovlin stated that she took a bus tour a few years ago that visited several locations

showcasing different types of stormwater improvements. She questioned if this would qualify for that and if so, she would love to show it off. Mr. Allison stated that it would. Mr. Heffner questioned who would maintain the pond. Mr. Heffner stated that the group would for a period and then it would be the Township's responsibility. **On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board approved the additional funding to complete the detention basin upgrade. Motion carried. Three votes yes.**

M. Mr. Heffner advised that an Executive Session will be held after the meeting to discuss contract negotiations.

14. Unfinished Business:

A. Dennis Bartnik - Four-way stop - Pleasant Grove Road/Snyder Corner Road, Four-way stop - Burkholder Road/Snyder Corner Road & Amendment to Recreational Vehicle Ordinance - Permitted riders - Mrs. Gunnet advised that a request for traffic studies has been submitted to PennDOT as these intersections are all state roads.

Mrs. Gunnet advised that she provided the Board with information on the Recreational Vehicle Ordinance. Mr. Bartnik was present and showed the Board a copy of a front page newspaper article that addresses ATV riding as a growing phenomenon. He stated that the Board has addressed riding as a disturbance and have suggested that he find another location to ride. He stated that if you look at the other side of this, there are places that people can go for peace and quiet. He stated that he feels this Ordinance is a discrimination against "gearheads" because they are being prohibited from riding on their property. Attorney Rausch clarified that he can ride an ATV on his property so long as he is meeting the regulations. He added that Mr. Bartnik's request to the Board was to reconsider who would be permitted to ride on a property. Mr. Heffner advised that a lot of time went into the creation of the Recreational Vehicle Ordinance and the Board tried to be fair. He stated that he is not interested in making any changes. The Board agreed.

15. Public Comment – Mr. Heffner noted that if speakers do not wish to have their address recorded, they must state this when speaking. Amy Smith, 130 Ava Drive, stated that there are two vacant lots in the Windsor Meadows development which do not have sidewalks installed. She questioned if there is a way to have these improvements made so that children do not have to walk on the streets. She stated that she contacted Charter Homes and they informed her that they do not plan to build on these lots. She added that they are not listed for sale and she even knew someone who was interested in building a house and when they contacted Charter Homes they were told the same thing. Mr. Allison advised that the installation of a sidewalk is typically tied to the issuance of a Building Permit and the Township cannot force them to install it. Ms. Smith questioned if Charter Homes is fined if they do not remove the snow from that area. Mr. Allison advised that the Ordinance specifically deals with sidewalks and since there are none, it does not apply. He added that this is not uncommon as many developments get down to one or two lots left and they sit empty.

Wayne Durbin, 85 Ava Drive, questioned who owns the sidewalk. Mr. Allison advised that the property owners also own the sidewalk. He noted that his children have to walk on the street to get to

their bus stop. Mr. Sechrist questioned if the bus stop location could be changed. This was unknown.

Gary Guilmette, 20 Centre Court, stated that it sounds like the builders use this as a loophole and take advantage of the system. He commented that this is not good for the Township. He questioned if the Township can install the sidewalks using funds from the developer's bond. Attorney Rausch advised that he will review this with Mr. Allison.

16. Supervisors Comments – Mr. Heffner asked the Board if they had any comments.

Mrs. Shovlin questioned if there was an update on the fire at Red Lion Salvage. Mr. Allison advised that approximately 9 months ago, the Township had filed a complaint with the York County Conservation District regarding excavation that was taking place. The Township was informed that the owner had a PennDEP Stormwater Discharge Permit. Since the fire, PennDEP has been onsite regarding the cleanup. PennDEP received a complaint and requested that the YCCD reinvestigate the site. It is yet to be determined as to what state permits will be required for this site moving forward. Mr. Allison reported that as of last week, the site has not been cleaned up and the contaminated soil has not been removed. PennDEP is agreeable to allow them to continue to operate as this will generate revenue to help with the cleanup costs. A meeting is scheduled onsite for August 28th with representatives from PennDEP and the YCCD. He commented that he has not received an invitation to attend yet. Mrs. Shovlin advised Mr. Allison to contact PennDEP and inform them that representatives from Windsor Township will also be in attendance. Mr. Allison stated that that it is possible that PennDEP will request the Township revoke Red Lion Salvage's Junk Yard License.

Mr. Sechrist commented that after the fire, the pipe under the driveway collapsed and was replaced. Mr. Allison confirmed that Red Lion Salvage did obtain an emergency permit to replace the pipe. However, the pipe is undersized.

Neither Mr. Sechrist nor Mr. Heffner had any comments.

17. On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the bills were approved. Motion carried. Three votes yes.
18. The meeting of the Windsor Township Board of Supervisors adjourned into an Executive Session to discuss contract negotiations at 7:45 p.m.

Respectfully submitted,

Jennifer L. Gunnet  
Secretary

CITIZENS PRESENT

August 21, 2017

Vera Miller	
James Pritchard	Laurel Fire Company
Chris Wagman	70 Ava Drive Red Lion PA
Kasie Ream	Golden Connections Community Center
Gary Guilmette	20 Centre Court Red Lion PA
Anna C. Martin	175 Ava Drive Red Lion PA
Gerard E. Lauer	175 Ava Drive Red Lion PA
Michelle Hill	75 Ava Drive Red Lion PA
Eric Hill	75 Ava Drive Red Lion PA
Wayne Durbin	85 Ava Drive Red Lion PA
Amy Smith	130 Ava Drive Red Lion PA
Wendy Telewicz	100 Ava Drive Red Lion PA
Christopher Telewicz	100 Ava Drive Red Lion PA
Dennis Bartnik	122 Morningside Drive Red Lion PA
Keith Moore	95 Ava Drive Red Lion PA
Jennifer Aggen	110 Centre Court Red Lion PA
Sergeant Joel Good	York Area Regional Police Department