

WINDSOR TOWNSHIP BOARD OF SUPERVISORS

August 20, 2018

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

Those present: Dean Heffner, Jo Anna Shovlin, Rodney Sechrist, Attorney Shane Rohrbaugh, John Klindedinst, P.E., 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 Rodney Sechrist, the minutes from the July 16, 2018 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 the Township has received two letters from Comcast. The first letter announces their partnership with Prime Video. The second letter informs that they have lost the authority to carry the beIN station.
 - C. Mrs. Gunnet advised that she has received a letter from the Pennsylvania Department of Environmental Protection providing their review comments regarding the Pollutant Reduction Plan that was submitted by the York County Stormwater Consortium. She commented that the letter was addressed to Mr. Allison as he is the Chairman of the Management Committee. Mr. Allison advised that most of the comments can be easily addressed. He noted that they will be working toward parsing out the non-participating and waiver municipalities to obtain a more accurate figure for the amount of work that needs completed. He stated that the Consortium is hopeful to be compliant by the end of the year and PennDEP is agreeable to this timeframe.
 - D. Mrs. Gunnet advised that she has received the 2017 Audit Report for the Township financial records from Kochenour, Earnest, Smyser & Burg. There were no findings. The Board has also received a copy of the report.
 - E. Mrs. Gunnet advised that she has received an invitation to the convention for the York County Association of Townships of the Second Class which will be held on November 15, 2018 at Heritage Hills Resort. She asked the Board to let her know if they plan to attend so she can RSVP.
5. York Area Regional Police Department - No one was present. Mrs. Gunnet advised that the individuals responsible for the thefts in Red Lion Borough and Windsor Township earlier in the month have been arrested. She stated that the Chief wanted to make sure that the Board was

aware that it was a York Area Regional Officer that recognized the car and apprehended the suspects as this is not what is being portrayed by the media.

A. The monthly report for July is available for review.

6. Philip McQuown - Waiver of Stormwater Management Ordinance - Mr. Allison advised that Mr. McQuown is present. Mr. McQuown stated that he purchased his home at the corner of Oak Drive and Grim Hollow Road approximately a year and a half ago. He explained that he had come to the Township to ask about placing a shed and driveway on his property and was informed that if he added more than 500 square feet of impervious area, he would need to install stormwater controls. He stated that he obtained a building permit for the shed and had the controls installed and inspected. He added that he also had the driveway installed at the same time and it was 500 square feet in size. At this time, the driveway stopped 9' to 10' from Oak Drive. Mr. McQuown advised that he broke his back approximately 20 years ago and has had a knee replacement and a heart attack. He stated that when he purchased the house, he did not realize that he was going to have an issue with the steps in the home. He explained that the driveway off Oak Drive provides him with direct access to the main living floor of the home. Because he had extra stone, he extended the driveway to connect to Oak Drive. He advised that he then received a notice of violation from the Township.

Mr. McQuown stated that he has reviewed the Stormwater and Zoning Ordinances and knows that it is acceptable to have two driveways on a lot and that he needs a permit to connect to a public road. He commented that because Oak Drive is private he did not feel he needed to obtain a permit. He advised that he spoke with Mr. Allison about the options for installing stormwater controls but none of them are suitable. He stated that Mr. Allison suggested installing an underground pit to collect runoff from the house, install a drainage trench along the driveway or remove the driveway. He reported that neither the pit nor trench is feasible due to underground utilities and he cannot remove the driveway as he needs it.

Mr. McQuown advised that there is a section within the Stormwater Ordinance that deals with disconnected impervious area for projects more than 500 square feet and less than 5,000 square feet. He commented that he has less runoff now than he did before he installed the driveway because it runs almost the entire length of his property and collects the water from the backyard. He stated that Oak Drive washes out and there is another property nearby that has a driveway that crosses their lawn that erodes and this has not been addressed by the Township.

Mr. McQuown advised that the Americans with Disabilities Act requires that the Township modify regulations or make reasonable accommodations to avoid discrimination to those who are disabled. He stated that he is requesting that the Township grant a modification to allow for the driveway extension without the installation of stormwater controls.

Mr. Allison advised that when he initially met with Mr. McQuown, they discussed both the shed and the driveway and he was aware that he needed a permit for both items. He noted that a building permit was never issued for the first portion of the driveway or the extension. He explained that when Mr. McQuown submitted the application for the driveway, he specifically requested a waiver from installing stormwater controls and that is why he is before the Board this evening.

Mr. Allison noted that Mr. McQuown can use the regulations for disconnected impervious area to address the stormwater but this process must be done by an Engineer. If he can meet the regulations, this is not an exemption from the Ordinance.

Mrs. Shovlin questioned if he is requesting to be exempt from obtaining a Building Permit. Mr. Allison explained that the application asked for an exemption from installing stormwater controls.

Mr. Allison noted that the Township is not telling him that he cannot have the driveway but rather that he needs to install a measure of stormwater management. Attorney Rohrbaugh advised that a modification to the regulations would typically deal with a situation in regards to setbacks such as the necessity for a wheelchair ramp that would encroach into a setback. He reiterated Mr. Allison's comment that he is not being denied the right to install the driveway. He believes that the Township is complying with the ADA. The expense to install the controls is not discriminative. In addition, the stormwater regulations are set at the Federal level and the Township must comply with these rules.

There was discussion regarding the options for a trench or seepage pit. Mr. McQuown explained the location of the utility lines and septic system and why this causes a conflict. Mr. Allison advised that there are alternatives to have controls installed but Mr. McQuown wants to be exempted. He added that Mr. McQuown was aware that he would have to install stormwater controls for the driveway if he exceeded 500 square feet and that is why the stormwater from the shed was managed. Mr. Klinedinst agreed that there are options for the stormwater controls and suggested managing the existing driveway.

Mr. McQuown gave pictures to the Board of other areas that have driveways that are eroding. Mr. Allison stated that the Township cannot address stormwater issues from properties that have had existing improvements. His driveway must be addressed because it is a new improvement. Mr. McQuown questioned if the Township is telling him he must remove 130 square feet of his driveway so that it is only 500 square feet. Mr. Allison informed him that the Township is not requiring him to remove the driveway, only to install stormwater controls so that he is in compliance.

Elmer Fromm, Oak Drive, questioned the Township's concern regarding access to a private drive. Mr. Allison clarified that a building permit was never issued for the driveway. It may

have been overlooked when the stormwater controls were inspected for the shed but that does not mean that a permit is not required.

Mr. McQuown questioned the difference in using the leftover stone in his flowerbed versus using it as a driveway. Mr. Allison advised that the stone in the driveway becomes compacted.

Mr. Heffner explained to Mr. McQuown that the Township is allowing for him to have the driveway but with the mandates for the Chesapeake Bay, stormwater controls are required. He added that the Township is meeting the regulations set forth by the ADA. It was the consensus of the Board to deny his request for a waiver of the installation of stormwater controls for the driveway.

Mr. McQuown advised that since it is his last option, he is going to file a complaint with the Department of Justice against the Township for violation of the Americans with Disabilities Act.

7. Windsor Township Fire & Rescue Association – Scott Gingerich, Felton Fire Company, was present. He stated that Mr. Pritchard had asked that he remind the Board that they are requesting assistance to have residents post addresses at their properties to help with emergency calls. Mrs. Gunnet advised that an article has been placed in the fall newsletter.
 - A. The next Fire Chiefs meeting will be held on Thursday, August 23rd at 7:00 p.m. at Windsor Fire Company. Mrs. Shovlin reported that someone from the Auditor General's office will be in attendance. She directed the fire companies to ask smart questions and stay focused on the topic. Mr. Gingerich advised that the Relief Treasurer for Red Lion and Felton will be present. He added that he will send out an email to try to make sure there are representatives from each department at the meeting.
 - B. Audit - Leo Independent Fire Engine Company No. 1 Relief Association - Update - Mrs. Gunnet advised that she has been informed that the Red Lion Fire Company Relief Association has chosen not to address the audit findings. She reported that she contacted the Auditor General's office to determine the requirements for how relief funds are to be disbursed. The representative informed that this is the Township's decision. She suggested withholding funds from Red Lion if they are not in compliance by the time the Township receives the funds.

Mr. Gingerich questioned what the finding was for. Mrs. Gunnet advised that it was for not having a complete and accurate equipment roster. Mrs. Shovlin added that this has been a finding for two audits in a row. They are blaming it on not having enough volunteers.

On the motion of Jo Anna Shovlin seconded by Dean Heffner, the Board approved to withhold funds from Red Lion if they are not in compliance by the time the Township receives the funds from the state. Motion carried. Three votes yes.

Mrs. Gunnet stated that she will send an email out tomorrow to the Red Lion fire company officers with this information. Mr. Gingerich noted that he would inform them as well.

- C. Act 172 of 2016 - Volunteer Firefighter Tax Credit - Mrs. Gunnet advised that the Board has received a copy of a draft ordinance. She questioned how much the Board would like to set for the credit. She commented that Shrewsbury Township is also looking to adopt an Ordinance and they are planning to set their maximum refund at \$500. Mrs. Shovlin questioned if York Township has an Ordinance. Mrs. Gunnet advised that they do not. East Lampeter Township in Lancaster County has a credit of \$2,500. Mr. Gingerich questioned if the qualifications have been determined. Mrs. Gunnet advised that this will be discussed at the Chiefs meeting on Thursday. It was the consensus of the Board to set a maximum credit of \$500.
- D. Mrs. Gunnet advised that Pat Noll, the Chief of Station 35, resigned from the position as of July 31, 2018. Mr. Gingerich noted that a new Chief has been appointed.
- E. Fire calls - 1st half of 2018 - Mrs. Gunnet advised that the Board has received a copy of the report listing fire calls for the first half of 2018. Mrs. Shovlin questioned if these figures would include calls for overdoses. Mr. Gingerich advised that they would be if they were dispatched.

8. Solicitor:

- A. TAYLOR ESTATES, PHASE II, SECTION A - Agreement for Completion of Improvements - Expiration date of July 31, 2018 - Attorney Rohrbaugh advised that Gemcraft Homes has requested a time extension due to the weather. They have requested until the end of August or early September to complete the work. Mrs. Gunnet commented that she does not think that is enough time to finish the project. Mr. Heffner questioned if notes had been put on the Building Permits regarding withholding the Certificate of Occupancy for the dwelling. Mr. Allison advised that the notes have been added but the permits have not been picked up yet. Mr. Heffner asked what the next step is if they do not finish the work. Mr. Allison informed that the Township will collect on the bond. On the motion of Dean Heffner seconded by Jo Anna Shovlin, the Board granted an extension until October 1, 2018 to complete the work. Motion carried. Three votes yes.

9. Township Engineer:

- A. Windsor Manor Pump Station Phase-Out - Status Report #10 - Mr. Klinedinst advised that they have submitted the general permit for the stream crossing. It has been determined that there will only need to be one crossing. He noted that fees are required by the York County Conservation District, York County Conservation District Clean Water Fund and Commonwealth of Pennsylvania Clean Water Fund. Construction is still slated for 2019.

- B. 2017 Pump Station Improvements - Mr. Klinedinst advised that he is recommending approval of Payment Application #2 in the amount of \$194,305.23 which is on the bills list. On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board approved the payment. Motion carried. Three votes yes.
- C. Grant for ADA doors - Update - Mr. Klinedinst advised that the bid opening was scheduled for August 1st but no bids were received. He stated that he rebid the project with an opening date of September 5th. This time it is being advertised on PennBid so it will reach more contractors. He noted that if there is not a bidder, he will need to contact the County to determine how to move forward since the funds are from a Community Development Block Grant. Even with the extended timeline, the project is anticipated to be completed by November 19th if a bid is received in September.

10. Public Works:

- A. Mr. Heffner advised that the Board has received the monthly report for August. Mr. Heffner questioned if the water company will be repairing Camp Street where the fire hydrant is being relocated. Mr. Trout advised that they will be patching the road. North Camp Street was to be blacktopped this year but since he knew about this project, he held off.
- B. VALLEY MEADOWS - Collect on letters of credit - Mr. Trout advised that that he has not heard from John Adams regarding the work in Valley Meadows. Fitz & Smith has not provided an update either. The centerline description for the street still needs to be completed as well. Mrs. Gunnet commented that if Mr. Adams is going to complete the project, it is better for the Township. She added that October 15th is the deadline for paving and contractors are already backed up because of the rain.
- C. I&I Workgroup - Draft ordinance - Requirement for sanitary sewer testing and inspection prior to property transfer - Mrs. Gunnet advised that the Board has received a copy of the proposed ordinance that was drafted by the I&I Workgroup. She stated that this was discussed previously and it was felt at that time that this was not necessary for the Township. Mr. Trout commented that he feels it is beneficial for locations with older systems where infiltration is more likely. It was the consensus of the Board not to pursue an ordinance requiring sanitary sewer testing and inspection prior to property transfers.

11. Other Business:

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

Mr. Allison advised that a Stormwater Maintenance and Monitoring Agreement was received today for Jared and Amanda Lighty. They constructed a new home at 205 Racetrack Road.

They have signed the Agreement and approval is needed for the Chairman to sign it. On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board approved the Stormwater Agreement for Jared and Amanda Lighty. Motion carried. Three votes yes.

- 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's Report for July. There were no questions.
- D. Mr. Heffner advised that there will be no meeting on September 3, 2018.
- E. Windsor/Ness Road left turn lane:
 - Robert D. Givens - Replacement of bushes and septic system
 - Russell E. Blum & Jean E. Blum - Temporary Construction Easement Agreement
 - Douglas D. Vaught, Jr. & Anne E. Vaught - Easement Agreement
 - John E. Bufflap & Kay L. Bufflap - Easement Agreement

Mrs. Gunnet advised that Mr. Givens has a hedge that he would like to have replanted along the road. He did not know what type of bush he wanted so she contacted Stauffer's and provided him with a list of options. He would like a dwarf burning bush. It will cost several hundred dollars to purchase and plant the bushes.

Mrs. Gunnet advised that Mr. Givens had informed the Township that his septic system is located in the front yard. She stated that she contacted the Pennsylvania Septic Management Association and found an inspection company located in Craley. They visited the site and it was determined that the septic system will be located 20' away from the pavement edge and this is acceptable.

Mrs. Gunnet advised that the inspection company is not recommending that the hedgerow be replanted due to the closeness to the septic system. Mr. Klinedinst recommended only approving the purchase of the right-of-way. Mr. Allison questioned if the Board could increase the amount of the purchase price to allow Mr. Givens to purchase plants if he desires. Attorney Rohrbaugh did not recommend that the Township do this. Mrs. Gunnet questioned if the Board is interested in purchasing and installing the plants in addition to the purchase of the right-of-way.

On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board denied the request for the purchase and installation of plantings for Mr. Givens and approved the Temporary Construction Easement Agreement with Russell and Jean Blum, the Easement Agreement with Douglas and Anne Vaught and the Easement Agreement with John and Kay Bufflap. Motion carried. Three votes yes.

- F. Mrs. Gunnet reported that the Windsor Township Non-Uniform Pension Plan has a zero distress level.
- G. Resolution #2018R-08-01 - Opposition to any legislation proposed to utilize a statewide collection of Earned Income Tax - Mrs. Gunnet advised that the House of Representatives has passed legislation that authorizes a study to determine whether the State should collect the earned income tax instead of a local agency. She stated that the York Adams Tax Bureau is very effective and follow up with delinquent accounts. YATB is requesting that the municipalities that they serve adopt a Resolution to oppose changes to the legislation. On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board adopted Resolution #2018R-08-01. Motion carried. Three votes yes.
- H. Dates - Pre-Budget Workshop and Budget Workshop - After discussion, it was decided to hold the pre-budget workshop on October 9th at 1:00 p.m. and the budget workshop on November 13th at 1:00 p.m.
- I. Mr. Heffner advised that an Executive Session will be held after the meeting to discuss contracts.

12. Unfinished Business:

- A. VALLEY MEADOWS - Collect on letters of credit - Discussed under 10B.
- B. Noise regulations - Mr. Allison advised that he asked other Zoning Officers at the countywide association meeting as to how they handle noise issues and many address it in the same manner as the Township. He stated that the Township has to address noise across the board and cannot create regulations for specific types of noise, such as loud music. Mr. Heffner questioned why barking dogs have a separate regulation. Mr. Allison explained that there are specific regulations regarding dogs at the state level. Mr. Heffner thanked Mr. Allison for looking into this and asked that the topic be removed from the agenda.
- C. Fireworks regulations - Mrs. Gunnet advised that the Board has received a copy of the Ordinance that York Township was looking to adopt. Mr. Heffner commented that an ordinance would be difficult to enforce. Attorney Rohrbaugh questioned if York Township had adopted the Ordinance. Mr. Allison stated that they were planning to at their August meeting. Attorney Rohrbaugh expressed his concern about adopting separate regulations since that language would not be in the state statute. It was the consensus of the Board not to pursue a separate Fireworks Ordinance. Mrs. Shovlin directed Mrs. Gunnet to contact Chief Damon and inform him of the Township's decision.

Mr. Allison stated that Representative Saylor's office is looking to hold a meeting with municipal representatives in September to discuss the impact of the regulations and get input on changes.

D. Mr. Allison advised that the Board had previously reviewed proposed changes to the Zoning Ordinance regarding daycares. The Windsor Township Planning Commission reviewed and approved the changes. He questioned if the Board would like to review it again. It was the consensus of the Board that they did not need to review it. Mrs. Shovlin advised to keep Representative Saylor and Phillips-Hill's offices up to date on this information.

13. 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.

14. Resignation of Jo Anna Shovlin - Mr. Heffner advised that Mrs. Shovlin is resigning from the Board effective at midnight tonight. He stated that the Board must accept her resignation. On the motion of Rodney Sechrist the Board accepted the resignation from Mrs. Shovlin and appointed Mr. Heffner as the voting member for YARPD. Motion carried. Three votes yes.

Mr. Sechrist advised that when they learned that Mrs. Shovlin's house was for sale, he suggested to Mrs. Gunnet that Kathy Kerchner would be a good person to fill the vacancy. He stated that she was contacted and has agreed to serve as a Board member. Mr. Sechrist made a motion to appoint Kathy Kerchner to fill the vacancy.

Mr. Heffner advised that he knows Mrs. Kerchner and she had served on the Community Center Feasibility Study groups. She also served on the Windsor Township Recreation Commission and also filled in for Windsor Area Recreation Commission when they did not have a Director. Mr. Heffner seconded the motion. Motion carried. Three votes yes.

Mrs. Shovlin commented that the past three and half years that she has been on the Board has been a wonderful time. She stated that the Township has a great group of people. She expressed her thanks at having had the opportunity to serve and is glad that the Board has appointed Mrs. Kerchner. She commented that she has lived here for 20 years and has been trying to meet with everyone and leave on a good note.

Mr. Heffner presented Mrs. Shovlin with a plaque recognizing her years of service.

15. Supervisors Comments – There were no comments.

16. On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the bills were approved. Motion carried. Three votes yes.
17. The meeting of the Windsor Township Board of Supervisors adjourned into an Executive Session to discuss contracts at 7:30 p.m.

Respectfully submitted,

Jennifer L. Gunnet
Secretary

CITIZENS PRESENT
August 20, 2018

Vera Miller
Philip McQuown
Elmer Fromm
Spencer Seaks
Scott Gingerich

1035 Grim Hollow Road Red Lion PA
50 Oak Drive Red Lion PA
951 Wise Avenue Red Lion PA
Laurel Fire Company