

WINDSOR TOWNSHIP BOARD OF SUPERVISORS

March 19, 2012

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, Paul Smith, Rodney Sechrist, Attorney Charles Rausch, Jennifer Gunnet, Jeremy Trout, Kipp Allison, Mike Hess and Teresa Miller. See the attached list of citizens present.

2. The Pledge of Allegiance was recited.
3. On the motion of Rodney Sechrist seconded by Paul Smith, the minutes of the March 5, 2012 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 Laurel Fire Company No. 1 to their appreciation dinner that will be held on Saturday, May 12th. She asked the Board to let her know if they will be attending so she can RSVP.
 - C. Mrs. Gunnet advised that Representatives Stan Saylor & Ron Miller would be hosting a Storm Water Forum on Thursday, March 29th from 6:00 p.m. till 9:00 p.m. at the Lower Windsor Township building. Mrs. Gunnet advised she would be attending.
 - D. Mrs. Gunnet advised that the Yoe Fire Company Ambulance Service 2012 Report to the Community was received and the Board members were provided a copy.

5. Plans for Approval:

- A. **EZ Four Investors** – Final Subdivision Plan #L-5410 by Gordon L. Brown & Assoc. for 2 lots along Dietz Road – Mr. Laymon Mortorff advised he was requesting waivers from installing curbs and sidewalks. Mr. Heffner advised that usually a six-month notice is placed on the plan for the installation of the sidewalks. Mr. Allison advised that since this plan did not involve a development, the Planning Commission chose not to push the six-month notice. Mr. Allison advised that this plan is tied to another plan that does involve a development and the sidewalks and curbs would be addressed at that time. Mrs. Gunnet advised that the development in question was on hold due to sewer capacity issues. On the motion of Rodney Sechrist seconded by Paul Smith, the waivers were granted and the plan was approved. Motion carried. Three votes yes.
- B. **Jeffrey A. Stine** – Final Subdivision Plan #07-1103-001 by JMT Engineering, 2 lots along Freysville Road – Mr. Tom Farcht advised he had submitted plans but had not received comments. Mr. Hess advised he had comments for Mr. Farcht but felt the waivers were what was to be discussed this evening. Mr. Allison felt the discussion should begin with the waivers and then address the modification to sewer capacity. Mr. Farcht advised that if the waivers were granted than Mr. Stine would pay the cost for sewer capacity. Mr. Farcht advised the first waiver was to avoid the extension of the water main. On the motion of Paul Smith seconded by Rodney Sechrist, the waiver to not extend public water was granted. Motion carried. Three votes yes.

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Mr. Farcht asked Mr. Allison if they were approved to add the note to the plan that curbs and sidewalks would be installed within six-months of the Township's request. Mr. Allison advised he would need to address this request to the Board for approval of this waiver. Mr. Farcht advised that it had been agreed with the Planning Commission that a note be added to the plan to require the installation of sidewalks within six-months of notice from the Township. On the motion of Paul Smith seconded by Rodney Sechrist, the waiver was denied and a note is to be added to the plan requiring installation within 6 months of notice from the Township. Motion carried. Three votes yes.

Mr. Allison advised there are still several minor issues with the plans that need to be addressed. Mr. Farcht asked if he should submit another paper plot plan so the changes could be reviewed prior to submitting the final plans and mylar. Mr. Hess advised that the mylar had to be in prior to the submission deadline to be reviewed for the next meeting, but if Mr. Farcht wanted to submit an electronic copy to him he would review it and check off his remaining comments. Mr. Allison advised he would send Mr. Farcht his comments but didn't feel he would need to further review before the final plans and mylar were submitted.

6. **Dave Kegerize – Windsor Meadows – Lot 45** – Mr. Kegerize is requesting a waiver of the standard subdivision plan processing procedures or a temporary Certificate of Occupancy. Mr. Kegerize advised the reason for the subdivision plan is because the existing house on lot 45 is not within the building setbacks by approx. 3". Mr. Kegerize advised the reason for the expedited waiver request is because Charter Homes has a customer that has purchased this home and will need to be able to move in by the end of the month due to the sale of their current home. Mr. Kegerize advised they are requesting a ½ ft. shift of the lot line between lots 45 & 46. Mr. Sechrist questioned Mr. Allison why the 3" was a problem. Mr. Allison advised this is how the Zoning Ordinance is written and the only deviation from the Zoning Ordinance would require Charter Homes to submit a Variance request to the Zoning Hearing Board for review which they have not done. Mr. Allison advised Charter Homes has two options to correct this problem. They can either request a Variance or do a lot line shift. Mr. Allison felt the Zoning Hearing Board would likely grant the Variance because of its de minimis nature. Mr. Heffner asked why this foundation wasn't inspected sooner. Mr. Kegerize advised they did the foundation inspection two weeks ago and immediately addressed this problem. Mr. Heffner felt the inspection should have been done before the construction got to this point. Mr. Allison did not feel the subdivision review would be a problem but the expediting would require a non-review by the Township's Planning Commission due to the timing. Mr. Allison advised he didn't know if the non-review was possible but also stated he didn't recommend it.

Mr. Kegerize asked if the township would be willing to grant a temporary occupancy so the new homeowner would not be impacted while Charter goes through the process with the township to correct the mistake. Mr. Smith questioned whether the bank would go along with this process in regards to the customer's financing. Mr. Pete Sydorko advised he did not think there would be any issue with the bank. Attorney Rausch asked if the property would be transferred to the new owner on March 31. Mr. Sydorko advised no, the new owners would move in so they had a place to live until this situation was resolved. He really just wants to get a temporary occupancy at this point so these individuals can move in. Mr. Allison advised he has done temporary occupancy in the past for commercial properties but has never issued one for a residential property. Attorney Rausch advised if the Township decides to issue the temporary occupancy, they should request security to be held to assure all subdivision work gets done. Mr. Smith recommends the Township do a temporary occupancy and then have Charter Homes

submit the paperwork to do the lot line shift. He also agreed the Township should hold security during this process. Attorney Rausch asked how much it would cost Charter Homes to have the engineer do new plans and submit them to the township. Mr. Kegerize advised approx. \$2500. Mr. Allison advised it would be \$2500 plus 10% that should be held for security. A certified check would need to be submitted to the Township made out to the Township or Charter Homes in the amount of \$2750. Mr. Hess asked Attorney Rausch if a time frame needed to be placed on the temporary occupancy. Mr. Allison recommended we make the deadline the end of June. Attorney Rausch will prepare an agreement for Charter to sign. On the motion of Mr. Smith seconded by Rodney Sechrist, it was decided that a temporary occupancy would be issued with a deadline of June 30, 2012, an agreement would be signed between Windsor Township and Charter Homes agreeing that security would be posted in the amount of \$2,750. Motion carried. Three votes yes.

7. **Solicitor** – Attorney Rausch advised that he did not have anything to report.
8. **Township Engineer** – Mr. Hess advised that he did not have anything to discuss.

9. Public Works:

- A. Jeremy Trout advised the monthly report March had been provided to the Board and asked if there are any questions. Mr. Heffner asked the name of the body company that caused delays with the F550. Mr. Trout advised it was Reading Equipment. Mr. Trout added that he was still obtaining quotes and should have them for the next meeting.
- B. **Street Light Update** – Mr. Trout advised that Springettsbury Township asked if they could have the lights to use for spare parts. Mr. Smith asked if Springettsbury Township would be willing to remove the street lights for us. Mr. Trout advised he would ask them, but the Township would still have to get the utilities moved below grade so we can cover them up. The Board agreed that Springettsbury could have the lights.

C. Bid Results:

Sewer Maintenance Bid Results - Mrs. Gunnet advised that the bid results are attached to the Board's agenda. Mr. Trout advised that Sewer Specialty Service had the low bid. He advised the Township has used them in the past several years and have not had any problems. On the motion of Paul Smith seconded by Rodney Sechrist, the bid was awarded to the low bidder. Motion carried. Three votes yes.

Road Materials Bid Results - Mr. Trout advised that the low bidder for stone is County Line Quarry. The low bidder for blacktop is Kinsley Materials, however Kinsley closed their Emigsville plant and the nearest plant is in West York. Mr. Trout explained the difficulty in picking up materials in West York and getting them to the job site without the materials cooling too much. Mr. Trout advised the closest place would be Highway Materials but their quote was higher. Mr. Trout also expressed concerns about the cost of gas to pick up materials. Pickup of materials in West York is 14.5 miles one-way and only 9 miles one-way for the Highway Materials location. Mr. Heffner asked if we could have Kinsley deliver materials if needed and if materials needed to be picked up, the Township could use Highway Materials. On the motion of Paul Smith seconded by Rodney Sechrist, the decision was made to award the bid to Kinsley Materials for materials delivered from their plant and Highway Materials for materials the Township would pick up.

The decision to split the bid between two bidders was made based on the product cooling when being shipped from a greater distance and current fuel costs. Motion carried. Three votes yes.

Line Painting Bid Results – Mrs. Gunnet advised the line painting bid was tabulated by Manchester Township and the low bidder was Alpha Space Control Co., Inc. Mrs. Gunnet advised that once the Board approved the low bidder, the paperwork would be received next month for their final signatures. Mr. Trout advised the Township has used Alpha Space Control Co., Inc. in the past and they do good work. On the motion of Rodney Sechrist seconded by Paul Smith, the bid was awarded to the low bidder. Motion carried. Three votes yes.

Mr. Heffner advised he had some questions about the road-paving list for this year. Mr. Heffner asked Mr. Trout about Country-by-Way being on the list and being such a small road if we really wanted to pave it. Mr. Trout advised the road currently has deep wheel tracks in it and needs to be leveled. Mr. Trout advised that snow plowing is ineffective with the ruts in the road. The snow just fills the ruts when they plow. Mr. Trout advised his intentions are to scratch and possibly oil & chip the road. Mr. Trout further advised that he planned to try to get as far through this years list of roads as he could, but oil costs will determine how many of the roads they are able to pave and how many they will have to oil & chip.

10. Other Business:

- A. **Yorkana ballfield** – Mrs. Gunnet advised that at the last meeting it had been discussed about using the Township's equipment to spread the diamond-tex and drag the fields at this location. She advised the Board requested an agreement be in place between the Township and Yorkana Fire Company before any work is completed. Mrs. Gunnet advised she has been in contact with a gentleman from Yorkana. Yorkana does not want to do the diamond-tex until the drainage system that was damaged last year when the pipeline was put in has been repaired. She advised Yorkana has been able to get Modern Landfill to agree to repair the drainage pipe system, which they hope to have done by the end of March at which time Yorkana will purchase the diamond-tex for the field. Mrs. Gunnet advised she has drafted a five-year agreement. On the motion of Paul Smith seconded by Rodney Sechrist, the draft of the agreement was approved. Motion carried. Three votes yes.

Mrs. Gunnet asked if the Board would like to act on the request from Windsor Area Recreation to use Township equipment at the Yorkana field at this time. The Board agreed that the use of the equipment should wait until the agreement has been signed.

- B. **Lawn Care Quote for spring 2012** – Mrs. Gunnet advised the quote from Kimberly Lawn Care for this spring had been received. She advised the quote for the spring 2012 work is the same as last years. Mrs. Gunnet also advised the quote for the banks is \$16 more than it was last year. Mrs. Gunnet advised Kimberly Lawn Care would be using phosphorus free fertilizer, which would allow us to include it on our MS4 report. On the motion of Rodney Sechrist, seconded by Paul Smith the quote for spring 2012 lawn care was approved. Motion carried. Three votes yes.

- C. **Additional time report – York Area Regional Police Dept.** – Mr. Smith advised that he and Mr. Sechrist attended the York Area Regional Police meeting last month. He advised that at this meeting several municipalities requested York Area Regional provide additional information in regards to the hours spent in the field on a daily basis. Mr. Smith advised that he and Mr. Sechrist agreed that they did not see a need for this report. Mrs. Gunnet advised she didn't see a need for this additional

paperwork. Mr. Smith advised he would report back to York Area Regional and advise Windsor Township did not want to see this additional daily information.

- D. **Act 537 Plan Update** – Mrs. Gunnet advised the Board members had a copy of the response letter that C.S. Davidson sent to DEP regarding comments received from DEP. Mrs. Gunnet advised the first comment from DEP related to nitrates systems. She advised that any new subdivision plans that are received and fall within a high nitrate area would be addressed on the plan. She also advised that the new regulations would be incorporated into our Subdivision and Land Development Ordinance.

Mrs. Gunnet advised the second comment from DEP was in regards to cesspools. She advised the Township is proposing that an access port would not be required to be installed and that they not be subject to a pump out. She advised the systems would still be inspected every four years along with the septic systems in that particular area. Mrs. Gunnet advised that DEP felt the Township was eliminating cesspools from inspections. She advised that DEP has agreed that the access port and pump outs are not necessary for cesspools. Mr. Heffner expressed concern that there wouldn't be anything for the Township SEO to see when he inspected. Mrs. Gunnet advised he would do a walkover and look for signs of a problem, such as a collapse.

Mrs. Gunnet advised the third comment from DEP was in regards to the Township's proposal for the sewer extensions in the areas referenced. Mrs. Gunnet advised there were two projects proposed in the five year plan. They are Cranberry Lane and Wise Avenue. She advised the reason these two areas were chosen was because public sewer is nearby in both locations and there is no possibility that a developer would come in with a subdivision and bring the sewer closer.

Mrs. Gunnet advised the fourth comment from DEP was in regards to sewer capacity being available and DEP wanting a schedule of how we plan to get additional capacity. Mrs. Gunnet advised that with sewer capacity amendment that was done in July 2011, we decreased our capacity on our Chapter 94 report by 942,550 gallons per day, which shows we are not at our capacity. Mrs. Gunnet advised this information has been sent to DEP and once they review we will know what we need to do next.

- E. **Future newsletters** – Mrs. Gunnet advised that Board decided last fall that the Spring 2012 newsletter would be the last newsletter that was sent out in print format through the mail to all residents. Mrs. Gunnet showed the Board a sample of a newsletter printed for Dover Township by Hometown Press. Mrs. Gunnet advised that the newsletter is printed free for the Township by selling ads to be displayed in it. She advised the only cost for the Township would be postage. She further advised that Windsor Area Recreation is looking into using this new company for their newsletters and asked the Board if they would want to reconsider not mailing printed copies to all residents if the only cost for the newsletter was going to be postage. It was the decision of the Board that we are to proceed with the original plans to stop mailing the newsletter to all resident, with the exception of the ones that respond and request paper copies of the newsletter.

- F. **Resolution #2012R-03-06 – Destruction of Records** – On the motion of Rodney Sechrist seconded by Paul Smith the resolution was approved. Motion carried. Three votes yes.
- G. **Resolution #2012R-03-07 – Amendment to Fee Schedule** – On the motion of Rodney Sechrist seconded by Paul Smith the resolution was approved. Motion carried. Three votes yes.

H. Agricultural Security Area Advisory Committee – Schedule meeting & appointment of member – Mrs. Gunnet advised the resolution approved by the Board at the last meeting for the declaration to take on the Lanius property has become a little more complicated. Mrs. Gunnet advised that this property is in the Agricultural Security Area and that the Township Agricultural Security Area Advisory Committee has to meet and discuss the situation. Mrs. Gunnet advised the Township Advisory Committee was formed in 1989 and must consist of three farmers, one citizen and one supervisor. She advised at that time the positions were held by Jack Dehoff, Merle Taylor and Clayton Tyson as the three farmers. Mrs. Gunnet advised that Merle Taylor is no longer a farmer. Mrs. Gunnet advised she has spoke to Mr. Dehoff and he is willing to continue to serve. She further advised that Dennis Cacciola held the resident position and Burnell Sprenkle was the Board member. Mrs. Gunnet advised she provided the Board members with a list of possible farmers that could be contacted to fill the open farmer position. She asked if the Board had a preference of whom she called to fill the position. The Board had no preference. Mrs. Gunnet advised that once she had an individual to fill the position she would bring the information to the Board for appointment of the person and than schedule a meeting at that time. Attorney Rausch advised the Township would also need to get approval from the state Agricultural Board. He advised he has been in contact with the Department of Agriculture. He also advised he was in contact with Terry Ruby with the County and she advised the County would not conduct a meeting because this is a utility and it does not involve tillable ground.

- I. Zoning Report** - February - There were no questions from the Board.
- J. Freysville intersection updated** – Mrs. Gunnet advised she received a phone call from Met-Ed advising any reimbursement the Township received would come from Verizon. Verizon is advising any reimbursement would come from Met-Ed. Mrs. Gunnet advised she has forwarded this information to Representative Saylor's office for their assistance.

11. Unfinished Business:

- A. Panorama Hills Pump Station** – Mrs. Gunnet advised she had no new information at this time.
- B. Renegotiation of Host Municipal Agreement** – There was no update.
- C. Husson Road** – Attorney Rausch advised that a letter was sent to the homeowner advising the Township would not do anything further to the road until the stormwater drainage pipe was taken care of.

12. Public Comment – There was no public comment.

- 13. Supervisors Comments** – Mr. Heffner asked the Board if they had any comments. Mr. Sechrist did not have any. Mr. Smith did not have any.
- 14. On the motion of Rodney Sechrist seconded by Paul Smith, the bills were approved. Motion carried. Three votes yes.**

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15. The meeting of the Windsor Township Board of Supervisors adjourned at 7:18 p.m.

Respectfully submitted,

Jennifer L. Gunnet
Secretary

CITIZENS PRESENT

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Lynn & John Cheeseman
Pete Sydorko
Dave Kegerize (LRHA)
Charles Silar
Jeff Stine
Rusty Smith
Tom Farcht
Gene Zimmerman
Bobbie Zimmerman

910 Cranberry Lane York, PA
48 Jewel Drive Mt. Joy, PA
313 W. Liberty Street Lancaster, PA
1500 Windsor Road Red Lion, PA
3050 Freysville Road Red Lion, PA
1916 Mary Lane Carlisle, PA
220 St. Charles Way, Ste 200 York, PA
860 Zimmerman Road Red Lion, PA
860 Zimmerman Road Red Lion, PA