

WINDSOR TOWNSHIP BOARD OF SUPERVISORS

October 1, 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, and Connie Gladfelder. See the attached list of citizens present.

2. The Pledge of Allegiance was recited.
3. On the motion of Paul Smith seconded by Rodney Sechrist, the minutes of the September 17, 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 a letter from Representative Stan Saylor congratulating us on receiving the Performance Grant for the year 2010.

Mr. Smith stated that he would like to make a comment. He would rather like to receive a letter stating that there was an increase in the prevailing wage limits and that there is a change in the advertising of meetings other than the newspaper.

5. Windsor Township Fire & Rescue – No one was present.
 - A. Mrs. Gunnet advised that they are still waiting for an engineer to sign and seal the plan that was submitted for the simulator design.
 - B. Mrs. Gunnet stated that the Fire Association would be interested in having their meeting here to discuss the contracts on October 25, 2012 Mr. Heffner said that he was available.
6. York Area Regional Police Department – No one was present.
7. Phil Holloway – Chapelwood Estates detention pond – Mr. Holloway stated that since the last Board of Supervisors meeting he had filled out some right-to-know papers requesting information on how the pond was documented, built and who did the inspections. He added that the drawings had an engineer's stamp, but the details on how the storm box goes together does not have an engineer's stamp. He said the notes stop before the completion of the pond. He also added that Mr. Trout stated they could not find who signed off on the bond to release the funds when it was completed. Mrs. Gunnet advised that the Township did not go into as much detail then it does today so the information cannot be broken down. Mr. Holloway stated that it was not constructed properly.

Mr. Holloway stated that when he purchased the property he was under the assumption that he was to maintain the pond but he did not know he was responsible for the repairs if it malfunctioned. He added that he is asking for help from the Township. He stated that the grass clippings that are not blown off

the street go into the pond when it rains and it covers the grate and affects the drainage of the pond. He added that maybe there could be something put into effect that residents are required to blow the grass clippings back into their yards.

Mr. Smith asked if the pond was inspected by C.S. Davidson, Inc. Mrs. Gunnet advised that it was by Dan. Mr. Holloway stated that the pipe indicated was to be plastic or metal to take the water away, but Mr. Trout advised that the last updated drawing stated it should be plastic pipes. Mr. Holloway advised that a section of the pipe goes through some wet lands and makes a turn before it goes into the creek.

Mr. Heffner stated that we were not involved. Mr. Smith added that if the engineers that approved it should stand behind it. Mr. Sechrist asked how long ago was this. Mrs. Gunnet advised 1994. Mr. Holloway stated that something was missing in this and one person should not have the burden of the expense.

Mr. Smith asked who the developer was. Mrs. Gunnet stated that it was John Argento. Mr. Sechrist asked if there were any grants available to help with the cost. Mrs. Gunnet added that she did not know. Mr. Holloway stated that he could not sell this property without disclosing about maintenance of the pond. Mr. Heffner agreed and added that the first pond that the Township put in had to be updated and it cost the Township \$10,000. He added that the developers now add it to one of the lots. Mr. Holloway states that there should be something in writing when one of these properties is purchased and some kind of disclosure. Mr. Heffner stated that he does not know how they disclose this to a potential buyer. Mr. Holloway said they have a print that states you are responsible for the pond.

Mr. Smith asked if Mr. Holloway had an attorney at settlement. Mr. Holloway stated that he was not sure as it was 11 years ago. He said that there is a Fire Hydrant Tax, maybe there could be a fund to help with this because it should not have to be a burden for one person. Attorney Charles Rausch stated most new developments have a Home Owners Association and have ownership of the pond. He added that as a Second Class Township they cannot create a stormwater district.

Mr. Holloway asked when the Township applied to FEMA how was it divided. Attorney Rausch said it was for replacement of improvements. Mrs. Gunnet said you had to spend funds first before getting it back. Elmer Fromm, the Emergency Management Coordinator, advised that there are grants from FEMA to resolve issues like this. Mrs. Holloway stated that they did contact FEMA and all they could get was a low interest loan. Mr. Fromm advised to contact FEMA again.

Mr. Holloway advised that he did not understand how one person could be responsible for this when stormwater is crucial. He added that it was not done right in the beginning. Mr. Heffner stated that C.S. Davidson, Inc. was the engineer that did the inspection. Attorney Rausch asked if information was obtained from C.S. Davidson, Inc. Mrs. Gunnet stated that Mr. Holloway submitted a right-to-know request and it was forwarded to C.S. Davidson, Inc.

Mr. Sechrist stated that he was sorry but the Township cannot help. Mr. Holloway advised that a person buys one of these properties with no knowledge and the new land owner has no idea how this works. Mrs. Gunnet stated that it is to be disclosed to the new property owner. Attorney Rausch asked about the Home Owner Association. Mrs. Gunnet advised it was dissolved. Mr. Smith asked when it was

dissolved. Mrs. Gunnet said it was not started right so it just dropped. Mr. Heffner stated that C.S. Davidson, Inc. and John Argento would be the liable party.

Attorney Rausch asked how long ago it was built and how long have you owned the property. Mr. Holloway stated it was built in 1994 and he has owned the property for 11 years. Attorney Rausch asked if the property had a house or did you build the house. Mr. Holloway stated that he built the house. Mrs. Gunnet advised that today we hold security until the detention pond is finished. Mr. Holloway stated that someone signed off. Mrs. Gunnet added that the engineers recommend that it be released. Mr. Holloway said he would like to get this information. Mrs. Gunnet advised she would check to see what information we have.

Mr. Sechrist advised that the Township can not help. Mr. Holloway stated that he feels that the Township can help. He also added that he just would like some help with some of the expenses. Attorney Rausch asked if you are looking for full payment. Mr. Holloway said either that or help him seek the responsible person who ever signed off on the bond. Attorney Rausch stated that it was so long ago that it would not realistic and that it all has to be proven and it was a long time ago. Mr. Sechrist stated that his lawyer at settlement should have seen this. Mr. Heffner advised that the lots sell cheaper with the ponds. Attorney Rausch said the rules are stricter now then they were then. He added that it should be a shared expense which would be the Home Owners Assoc. Mr. Holloway asked if they could waive the engineer's fees. He added that he could have obtained his own engineer. Mr. Smith said it would have had to be reviewed by our engineer. Mrs. Gunnet advised that the engineers fees were for what repairs needed to be done. Mrs. Holloway added that she was told that they were there to tell them why it failed and whose responsibility it was to fix.

Mr. Heffner stated that we will take this under advisement.

8. Emergency Management

A. Weather Advisory information – Mr. Fromm stated that he and his staff donated a power converter so the portables can be used for a base station. He said the pagers can hold up to 16 cap codes and there is an “all call” cap code that is for weather advisories. He said that a storm report comes through State College and then he forwards it to his staff. Mr. Heffner asked how he gets the information. Mr. Fromm advised he gets an e-mail.

Mr. Fromm advised that he will submit the minutes from the EMA meetings.

B. EMA trailer – Mr. Fromm advised that they are still doing some research. He added that they are looking at \$ 10,000 to \$ 15,000. Mr. Heffner asked what size trailer they are looking for. Mr. Fromm advised that 6' x 6' up to a 40 foot because we are looking at what will be put in it and where to store it.

9. Solicitor - Attorney Rausch advised that he has nothing to report.

10. Other Business:

- A. York County Solid Waste & Refuse Authority – Electronics payment. Mrs. Gunnet advised that we received \$ 562.11 from York County Solid Waste Authority for the electronics that was recycled from the recycling event we had. She added that York County Solid Waste Authority is going to try to reimburse the Municipalities based on what is recycled. Mr. Heffner asked if the electronics recycling has to be done on our own. Mrs. Gunnet advised we can still piggy back off the county. Mr. Smith added that he feels we should look into different programs to educate the residents.
- B. Proposed Zoning Ordinance – Possible adoption date. Mrs. Gunnet asked when the Board was going to possibly adopt the new Zoning Ordinance. She added that we have received York County Planning Commission draft comments and they were minor. Attorney Rausch asked if there was a public hearing. Mr. Smith stated that he would like to see what York County Planning Commission has to say.
- C. 2012 Budget – Purchase a desktop computer. Mrs. Gunnet advised that we need to replace the Public Works computer and not the one that was scheduled. She added that they only need two programs Word and Excel.
- D. Resolution #2012R-10-01 – Amendment to Act 537 Plan for the planning module for Shadow Ridge LP
On the motion Rodney Sechrist and seconded by Paul Smith, the Amendment of Act 537 Plan was approved. Motion carried. Three votes yes.
- E. Windsor Township Municipal Pension – Mrs. Gunnet advised that the municipal pension is not in distress.
- F. Windsor Area Recreation Commission – Proposed 2013 Budget. Mrs. Gunnet advised that there will be no increase. On the motion of Paul Smith with a seconded by Rodney Sechrist. Motioned carried. Three votes yes.

11. Unfinished Business

- A. Panorama Hills Pump Station – Update on right-of-ways. Attorney Rausch advised that he has some outstanding notices to Argento's and Rolling Acres. He then added that he left them know they have to contact him by October 12, before the next meeting on October 15th. He stated that we need to have the resolution prepared authorizing eminent domain so it is in place.

Robert Holweck advised that he is working on the four easements, Mr. Dobrinoff on Dietz Rd, Spartan Heights, Living World Church and the Allen's on Camp Betty Washington Rd. He added that two are ready to sign.

Mr. Holweck advised that the Allen's are getting the regular \$ 1.50 a foot and he has a lot of construction easements on this property but very little permanent easement. He added that Mr. Allen would like to have gravity flow sewer for his basement. Mr. Holweck added that Mr. Allen has property between Camp Betty Washington Rd. and Mill Creek. He also added that Mr. Allen wanted two laterals. He said that the driveway will be dug up and we will need to overlay the driveway. He said that Mr. Allen would like to have the tapping fee waived. Mrs. Gunnet advised

that they are in York Township. Mr. Holweck said he feels this is reasonable compared to what it could be. Mr. Heffner asked if Mr. Allen wants the Township to pay his tapping fees. Attorney Rausch advised that the Township could pay the tapping fee but if it changes when he is ready to connect he is responsible for the difference. Mrs. Gunnet advised that she will check with York Township for their tapping fee.

Mr. Holweck advised that Spartan Heights has a third party owner and he was working on getting the permission for the odor control station. Mr. Holweck stated that the third party owner said to put the odor control station down near the creek. He added that the engineers looked at it and it would be too expensive at this time. He said that if the relocation project for Ruppert Rd. went through, it would work. He also added that to get the third party owner to sign off the Township would pay for the relocation of the station. He added they are only asking \$ 10.00 for the easement. Attorney Rausch advised that we will have a temporary location until an agreement is in place for the permanent location.

Mr. Holweck advised that he will put pressure on Living World Church and Mr. Dobrinoff does not seem to be doing anything. He stated that he will get back with Mr. Dobrinoff this week.

Mr. Heffner asked when the project would get started. Mr. Holweck advised that he is waiting for ARRO to get back to him. He said maybe next year.

B. Sewer Rate Study – Discussion. Mrs. Gunnet advised that it was discussed earlier during the Pre-Budget workshop.

12. Public Comment – There were none.

13. Supervisors Comments - Mr. Heffner asked the Board if they had any comments. Mr. Smith asked about the home being constructed at Springvale Rd. and Boxwood Rd. and whether it is in the flood plan. Mrs. Gunnet advised no.

14. On the motion of Rodney Sechrist seconded by Paul Smith, the bills were approved. Motion carried. Three votes yes.

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

Respectfully submitted,

Jennifer L. Gunnet
Secretary

CITIZENS PRESENT

October 1, 2012

Vera Miller

Elmer Fromm

Marci & Phil Holloway

Roberta Zimmerman

Eugene Zimmerman

Robert Holweck

50 Oak Drive, Red Lion

80 Chapelwood Drive, York

860 Zimmerman Road, Red Lion

860 Zimmerman Road, Red Lion