

WINDSOR TOWNSHIP BOARD OF SUPERVISORS

February 4, 2013

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

Those present: Paul Smith, Dean Heffner, Rodney Sechrist, Attorney Charles Rausch, Jennifer Gunnet, Kipp Allison and Deanna Coble. See the attached list of citizens present.

2. The Pledge of Allegiance was recited.

3. 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.

4. Windsor Township Fire & Rescue Association:

- A. Roof simulator update – Chief Joseph Yahnke advised that the siding has been put on the simulator. The rubber roof will be installed when the weather is warmer to ensure that the glue will hold. Valley Canvas has donated a tarp to cover the portion that will not have a rubber roof. He added that the smoke machine has been purchased and the entire project is under budget. A sign will be posted on the simulator once it is completed to let people know what it is.

- B. Mrs. Gunnet advised that the Board has received a copy of the Fire Association's latest contract proposal.

- C. Mr. Smith advised that the next Fire Chief's meeting will be held on February 28, 2013 at 7:00 p.m. at Dallastown.

- D. Mr. Yahnke advised that they were recently on a call with health and zoning issues. He stated that he informed Mrs. Gunnet of the situation and she and Mr. Allison are working on this.

- E. Windsor Fire Co. – Exemption of fee from Solicitation/Peddling Ordinance – Mrs. Gunnet advised that the Township was contacted regarding a fundraiser for the Windsor Fire Company. She explained that representatives from a photography company would go door to door to solicit donations for the fire company. This company would retain a portion of the profit. They felt that they did not fall under the Solicitation/Peddling Ordinance since they were working for a non-profit organization. They have paid the fee for the permit but are requesting exemption from the Ordinance.

Mr. Yahnke advised that the Red Lion Fire Company has been using these services for several years and it is very profitable. However, it is written in the contract that the photography company is responsible for obtaining any necessary permits. He stated that they have paid this fee in the past in other municipalities.

**On the motion of Dean Heffner seconded by Rodney Sechrist, the Board denied the request for exemption from the Solicitation/Peddling Ordinance. Motion carried. Three votes yes.**

5. York Area Regional Police Department: Officer Hempfing advised that he did not have anything to report. There were no questions from the Board or the audience.

A. Mr. Smith advised that the Monthly Report for December is available for review.

6. **WHISPER RUN, PHASES I & II – Stormwater Ordinance waiver** – Dan Creep from LSC Design, advised that he is present on behalf of the Argento Family Partnership. He stated that the NPDES permit for the Whisper Run development has expired and they are working on the renewal. He explained that there are 35 vacant lots left in the 100 lot subdivision. PennDEP and the York County Conservation District are requiring that the 20 lots that do not drain to the detention basins have rain gardens installed on them. He advised that in order to be most effective, the rain gardens must be placed at the lowest elevation on the lot. This would require them to be installed outside the building envelope. However, this would be a violation of the Stormwater Ordinance. He requested a waiver of Section 306.R.

Mr. Heffner questioned what storm water controls were originally required for these lots. Mr. Allison stated that there were no on site controls planned. They are now being required to meet current water quality management standards. He stated that they are not able to have infiltration pits because the percolation rates were not sufficient. He explained a rain garden and how it functions. Mr. Smith questioned if a rain garden requires maintenance. Mr. Allison advised that it does but it would be the homeowner's responsibility. Attorney Rausch asked if they would only collect sheet flow. Mr. Creep advised that the downspouts from the house would also be run to the gardens to be collected. Attorney Rausch noted that a Maintenance Agreement should be created for each lot. Mr. Creep stated that Note #4 on the Post Construction Stormwater Management Plan addresses homeowner responsibility.

Mr. Allison questioned if they had considered converting the temporary detention basin to a permanent one. Mr. Creep advised that a reverse subdivision would be needed to create area and he is unsure if the water would be able to be conveyed. He added that PennDEP prefers to have on site controls versus basins.

Mr. Creep stated that the Post Construction Stormwater Management Plan is part of the NPDES Plan. Attorney Rausch recommended that the language should still be included in the deed. Mr. Allison questioned how to verify this before issuing a Certificate of Occupancy. Attorney Rausch advised that a copy of the deed can be requested.

**On the motion of Rodney Sechrist seconded by Dean Heffner, the Board granted the waiver of the Stormwater Ordinance subject to the maintenance requirements being listed on the deed and the Post Construction Stormwater Management Plan. Motion carried. Three votes yes.**

7. Solicitor:

A. Attorney Rausch advised that he did not have anything to report.

8. Other Business:

- A. On-Lot Disposal System (OLDS) – District #1 pumpout – Mrs. Gunnet advised that the Board has received a copy of the letter that was sent to the owners of properties in District #1. Mr. Allison stated that he received several phone calls this afternoon from people who had their systems pumped in 2011 and 2012. He explained that the Ordinance allows for a 1 year grace period. He noted that he would like verification from the Board that January 1, 2012 is the cutoff. **It was the consensus of the Board that only those whose systems were pumped in 2012 could be accepted.**
- B. **Reduction in Sewer Reserve Capacity Surety – Shawnee Manor** – Mrs. Gunnet advised that at the last meeting, reductions had been approved. However, she had forgotten that in Shawnee Manor, two lots had been combined so an additional reduction of \$1,225 should be granted to bring the balance to \$13,475. On the motion of Rodney Sechrist seconded by Dean Heffner, the Board approved the reduction for Shawnee Manor. Motion carried. Three votes yes.
- C. Proposed change to Spring/Fall large item collections – Mrs. Gunnet advised that she had been contacted by York Waste Disposal regarding the large item pickups. They are proposing to change to a one item per week collection since they have less rear load trucks. She noted that this is one of the items that is on the list for the Host Municipal renegotiation. However under the current Agreement, the Township is responsible for paying the tipping fees at the incinerator. She stated that she met with representatives from Modern Landfill and York Waste Disposal. An average of tons collected over the past several large item collections was determined and Modern Landfill has agreed to reimburse the Township this portion of the tipping fees in quarterly installments. Mrs. Gunnet stated that she had contacted Attorney Davis to see if this is acceptable. He had advised that he is agreeable to the concept but an agreement would be required.

Mrs. Gunnet stated that a decision is needed from the Board as soon as possible as the information should be included in the spring newsletter. Mr. Smith noted that this option has been discussed in the past and he prefers this method.

**On the motion of Dean Heffner seconded by Rodney Sechrist, the Board approved the change to a weekly large item pickup subject to Attorney Davis's approval of the agreement. Motion carried. Three votes yes.**

Lynn Cheeseman questioned how the reimbursement amount is relative to the growth in the Township. Mrs. Gunnet advised that this is one of Attorney's concerns that will be addressed in the Agreement.

- D. There will be an electronic recycling event held on Saturday, April 20<sup>th</sup> from 9:00 a.m. to Noon at the Public Works Building located at 970 White Oak Road.
- E. Update – Obedience to traffic control devices warning of hazardous conditions – Emergency response costs – Mrs. Gunnet advised that she spoke with Lieutenant Zech and he informed her that the police department has a standby rate with a two hour minimum. The ambulance companies also have a standby rate of \$60 and \$65. She stated that she spoke with Magistrate Fishel regarding a fee

for the volunteer fire companies. He advised that he does not have an issue upholding a citation so long as the fee is reasonable. She noted that this will be a discussion topic at the next Fire Chief's meeting. She added that they may have set amounts for Mutual Aid Agreements.

- F. Extension of Site Improvement Agreement – Windsor Hills Holdings – Mrs. Gunnet advised that a bond was placed for security for the improvements required with this 2 lot subdivision. The Site Improvement Agreement will expire and they are requesting a one year extension to complete the work. **On the motion of Dean Heffner seconded by Rodney Sechrist, the Board approved a one year extension for the Site Improvement Agreement for Windsor Hills Holdings. Motion carried. Three votes yes.**
- G. Update – Extra snow plow driver – Mrs. Gunnet advised that she contacted Larry Strayer to see if he is interested in plowing for the Township in large storms and offered him the starting wage for a skilled employee. He agreed to plow for the Township when needed and accepted this rate.
- H. Acceptance of dedicated right-of-way:

Resolution #2013R-02-01 – ERMA & RICHARD ROYSTON/CHARLES C. & AMY REXROTH – Elfner Road

Resolution #2013R-02-02 – JEFFREY A. STINE – Freysville Road

Resolution #2013R-02-03 – NELSON L. & GAIL STEIN/JOHN G. & THERESA A. STEIN – Freysville Road

Resolution #2013R-02-04 – JAN L. SEITZ, NED LEON SEITZ & LAFEAN SEITZ, JR. – Boxwood Road

Resolution #2013R-02-05 – JAN L. SEITZ, NED LEON SEITZ & LAFEAN SEITZ, JR. – Springvale Road

Resolution #2013-02-06 – E.Z. FOUR INVESTORS – Dietz Road

Mrs. Gunnet advised that these subdivisions were approved in 2012 and acceptance of the dedicated right-of-way is required. **On the motion of Dean Heffner seconded by Rodney Sechrist, the Board approved the Resolutions to accept the right-of-way. Motion carried. Three votes yes.**

- I. Amendment to fee schedule – Mr. Allison advised that the Board has received a memo from him with suggested fees for specific permits that stem from the approval of the new Zoning Ordinance. He stated that he is looking for input or approval of these rates. It was the consensus of the Board that the rates were acceptable. A revised fee schedule will be prepared for approval at the next meeting.

9. Unfinished Business:

- A. Panorama Hills Pump Station – Attorney Rausch advised that he met with Mrs. Gunnet and Mr. Holweck. He stated that the counter offer from Mr. Dobrinoff is still excessive. He noted that Mr. Dobrinoff had contacted Mrs. Gunnet today and a meeting will be held with him. Attorney Rausch advised that he has not heard back from the attorney for the Golf Course and he is working with an

appraiser for the taking of the land. He stated that an Access Easement is needed across the Enfield property and their 30 days have expired so the subdivision plan can now be finalized.

10. Public Comment – Mr. Smith noted that if speakers do not wish to have their address recorded, they must state this when speaking. There was none.
11. On the motion of Rodney Sechrist seconded by Dean Heffner, the minutes of the January 21, 2013 meeting were approved. Motion carried. Three votes yes.
12. Supervisors Comments – Mr. Smith asked the Board if they had any comments. Mr. Sechrist did not have any comments.

Mr. Heffner questioned who is to maintain the detention basin at the corner of Dietz Road and Dyan Drive. Mr. Allison advised that it is owned by the Argento Family Partnership. He stated that he had attempted in the past to have it cleaned up but only the perimeter has been mowed. He added that part of the basin is wetland and floodplain and the York County Conservation District does not view the condition as a violation as wildlife can reside there. Mrs. Gunnet advised that there is a similar pond in the Windsor Crossing development. However there is a wildlife refuge permit issued for that one.

Mr. Smith asked that Mrs. Gunnet find out from other municipalities if they have a set amount of snow accumulation required prior to requiring shoveling.

13. On the motion of Dean Heffner seconded by Rodney Sechrist, the bills were approved. Motion carried. Three votes yes.
14. The meeting of the Windsor Township Board of Supervisors adjourned at 6:51 p.m.

Respectfully submitted,

Jennifer L. Gunnet  
Secretary

CITIZENS PRESENT

February 4, 2013

Vera Miller

Dan Creep

Gene & Bobbie Zimmerman

Officer Curt Hempfing

Charles Silar

Lynn & John Cheeseman

Joseph Yahnke

LSC Design, Inc.

860 Zimmerman Road Red Lion PA

York Area Regional Police Department

1500 Windsor Road Red Lion PA

910 Cranberry Lane York PA

Windsor Township Fire & Rescue Assoc.