

WINDSOR TOWNSHIP BOARD OF SUPERVISORS

June 17, 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, Attorney Charles Rausch, Mike Hess, Jennifer Gunnet, Jeremy Trout, Kipp Allison and Deanna Coble. See the attached list of citizens present.

2. The Pledge of Allegiance was recited.
3. On the motion of Dean Heffner seconded by Paul Smith, the minutes from the June 3, 2013 meeting were approved. Motion carried. Two 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 copy of the 2012 Audit of the Windsor Area Recreation Commission from Kochenour, Earnest, Smyser & Burg. There were no findings.
5. Edward & Tawanya Rather – Fence in a stormwater easement – The Rathers were not present. Mr. Allison questioned if the Board would like to discuss their request. The Board agreed to address it. Mr. Allison noted that the Board has received information from him. He explained that the Rathers live at 330 Thomas Armor Drive and would like to install a fence within a stormwater easement in their rear yard. He added that this easement affects many lots in the development and he feels that the fence is an obstruction. **On the motion of Dean Heffner seconded by Paul Smith, the Board denied the request to place the fence in the stormwater easement. Motion carried. Two votes yes.**
6. Emergency Management:
 - A. NOAA – State College – Mr. Fromm reported that he and three of his staff members went to State College on May 30th for a training course. He stated that it was very informative. He advised that they toured the NOAA facility and sat in on a morning weather briefing.
 - B. Mr. Fromm stated at the May staff meeting they installed new antennas at the building. He added that the June staff meeting has been canceled.
 - C. Mr. Fromm advised that there was a water leak at the EOC due to an HVAC problem. He stated that some of the radios had gotten wet and they will be testing them soon to make sure there are no damages.
7. Solicitor:
 - A. Sewer liens – Foreclosure & Execution – Attorney Rausch advised that his office is working on collecting delinquent funds for sewer accounts that are over two years old. He stated that

typically they have cooperation with payment once the Sherriff serves paperwork or the mortgage company is contacted but this is not always the case. He noted that some of the properties have tax liens on them as well. He explained that if the Township proceeded with a Sherriff Sale, we would put in a bid amount to cover our costs. Others could bid as well. All liens against the property would be paid once the property was sold. However, the Township could end up purchasing the property. He asked the Board how far they would like him to proceed with the process.

Mr. Smith advised that he feels the funds should be collected. He stated that those people who do pay their bills have to make up the difference for those not paying and he wants to protect those who do pay. Mr. Heffner agreed. It was the consensus of the Board to have Attorney Rausch proceed with the collection process. Attorney Rausch advised that he does not recommend pursuing a Sherriff Sale for those properties that have liens in excess of the equity.

8. Township Engineer:

- A. Mr. Hess advised that he has reviewed **Payment Application #3** for the Manor Road, Freysville and East Prospect Road Generators in the amount of \$4,980.86 and recommends approval. **On the motion of Dean Heffner seconded by Paul Smith, the Board approved the payment to Monacacy Valley Electric. Motion carried. Two votes yes.**
- B. Mr. Hess advised that he has reviewed the **final payment application** for the Kendale Force Main replacement in the amount of \$17,658.60 and recommends approval. He stated that the work has been completed and stabilized. **On the motion of Dean Heffner seconded by Paul Smith, the Board approved the final payment to Abel Construction. Motion carried. Two votes yes.**
- C. MS4 Update – Mr. Hess advised there are not specific regulations in place for how to comply with MS4 requirements. For this year, the Township only needs to prove that we are doing better. He noted that currently the Township is working with Lower Windsor Township, Red Lion Borough and Windsor Borough on improvements to Fishing Creek. He noted that the Township is being proactive with this project.

Mr. Hess advised that in the future, it will be necessary to install Best Management Practices (BMPs) at locations within the Township. He gave a power point presentation on different types. He explained the pros, cons and maintenance responsibilities for structural BMPs, Vegetated Swales, Riparian Buffer Restoration, Dry Extended Detention Basins, Rain Garden/Bio-Retention, Constructed Wetlands, Porous Pavement and Commercial Water Quality Filters. He noted that no single BMP can fix all problems and recommends starting with the easiest, most cost effective method first.

Attorney Rausch commented that these types of practices can be used with new projects but not with existing conditions. Mr. Hess agreed that any retrofitting would need to be voluntary by a homeowner or the Township. Attorney Rausch mentioned that he thought

there was some type of credit program. Mr. Hess advised that the Nutrient Trading Credit has been in place for some time but is still evolving. He stated that at this time the Township does not have a TMDL stream so it is not necessary to pursue this.

9. Public Works:

- A. Mr. Smith advised that the Board has received the monthly report for June. There were no questions.
- B. Mr. Trout advised that the work on the Husson Bridge is scheduled to begin on June 24th.
- C. Mr. Smith questioned if there is anything that can be done about PennDOT crews damaging the manholes on Freysville Road. He suggested creating a Resolution. Mrs. Gunnet commented that it would have to be statewide. She added that she contacted Mike Martin, the Manager for the York office of PennDOT, and informed him of the damages and lack of notification to the Township. He was apologetic and gave assurances that we would be notified in the future.

10. Other Business:

- A. Mrs. Gunnet advised that she had previously reported to the Board that the Township would be receiving a refund of excess funds from Springettsbury Township from their Intergovernmental Capital Improvement account. She stated that a refund of approximately \$314,000 has been received.
- B. Traffic study – Springvale & Boxwood Roads – Turning radius for trucks – Mrs. Gunnet advised that she has received numerous complaints from the property owner at the corner of Springvale Road and Boxwood Road that trucks delivering to the lower building owned by Specialty Industries are running through her yard and have even struck a utility pole. She explained that when Specialty Industries expanded, they installed an access drive from that building to the lower building to help reduce the amount of traffic on Boxwood Road. Delivery trucks are to contact them before delivering goods and are specifically given the address for Specialty Industries but some follow the GPS to the lower building. She stated that she is requesting that a traffic study be done to see if turning radius signs for trucks are warranted. Mr. Smith questioned if staff can do the study. Mr. Allison stated that he does not know how a turning radius is regulated.

JoAnn Shovlin from Representative Saylor's office advised that she has also been contacted. She stated that if the Township sends a request to Representative Saylor, they can have PennDOT perform a traffic study at no charge. Mrs. Gunnet noted that this is at the intersection of two Township roads, not at the intersection with Route 74. Mrs. Shovlin stated that she believes that PennDOT will still do the study.

- C. **Ordinance No. 2013-06-01 – Revision of Junk Yard Ordinance** – Mrs. Gunnet advised that changes have been made to the Junk Yard Ordinance to require inspections by a

Township representative and also to have the regulations match the Zoning Ordinance. She advised that the Ordinance has been advertised for adoption. **On the motion of Dean Heffner seconded by Paul Smith, the Board approved Ordinance No. 2013-06-01. Motion carried. Two votes yes.**

- D. **2013-2014 Junk Yard license renewals** – Mr. Smith advised that the inspections have been done for the three junk yards in the Township and approval has been recommended to renew the licenses. **On the motion of Dean Heffner seconded by Paul Smith, the Board approved the junk yard licenses for JKLM Corporation, Red Lion Salvage and TC Auto Salvage. Motion carried. Two votes yes.**
- E. Clarification – Basketball nets on street – Mr. Allison questioned how the Board would like him to address basketball nets that are placed on the street. He stated that currently he addresses it as a violation but we do not always know who the owner is. He noted that other municipalities work with a Police Department as a vehicle code violation and others have specific ordinances. Mr. Hess commented that the Zoning Ordinance states that nothing can be placed in the right-of-way. It was the consensus of the Board to address them the same way that they are now.
- F. Mrs. Gunnet advised that John Lewis purchased a house on Schoolhouse Lane and the previous owner had planted numerous flowers. Mr. Lewis did not want them and had contacted her to see if the Township would accept them as a donation. She stated that she gladly accepted and the Building and Grounds Department has dug them out and replanted them at Freysville Park and the Public Works Building. She added that Mr. Lewis has contacted her again to inform that there are some others he would like to have removed. She commented that she will send a letter thanking him once all of the flowers have been removed.
- G. Mr. Smith advised that the Board has received the Township Manager's Report for May. There were no questions.
- H. Mr. Smith advised that the Board has received the Zoning Officer's Report for May. There were no questions. A copy of the report is available for review.
- I. Mr. Smith advised that the Dog Officer's Report for May is available for review.
- J. Security Reduction – Windsor Meadows – Mrs. Gunnet advised that the Township had called on the bond for the installation of the infiltration trench in Windsor Meadows. She stated that the work has been completed so the security needs to be reduced in the amount of \$23,436.60. **On the motion of Dean Heffner seconded by Paul Smith, the Board approved the security reduction. Motion carried. Two votes yes.**
- K. Mrs. Gunnet advised that Daniel and Angelique Templeton had posted a bond as security for a Land Development Plan that they had done. The work has not been completed and they are

requesting a one year extension. On the motion of Dean Heffner seconded by Paul Smith, a one year extension was granted. Motion carried. Two votes yes.

- L. Mr. Smith advised that the Board meeting for July 1st has been cancelled. The next meeting will be held on July 15th at 6:00 p.m.
- M. Mrs. Gunnet advised that she, Mr. Smith and Attorney Davis had an introductory meeting with representatives from Modern Landfill to discuss the Host Municipal Agreement. She stated that the current agreement was reviewed and the Township presented a list of items that we would like to include in the new agreement. She advised that monthly meetings have been scheduled through September.

11. Unfinished Business:

- A. Panorama Hills Pump Station – Attorney Rausch advised that he has been contacted by the attorney for the golf course informing him that they are willing to accept the amount of the appraisal. They are requesting that wording be added to the agreement that the work be completed expeditiously once started. Attorney Rauch commented that when he spoke with the attorney, he reminded him that the 8” sewer stub that was originally part of the negotiation is not included. If the owners decide that they want the stub, the cost for the stub will be deducted from their compensation. Attorney Rausch added that as part of the condemnation, the Township is responsible for paying the attorney fees that the owners have incurred. This amount is approximately \$1,500. He noted that the golf course is under a sales agreement so authorization is also needed from Pelet Welding.

Attorney Rausch advised that the appraisal has been received for the Dobrinoff property. The sewer easement appraised for \$8,000 and the access easement for \$3,000. He noted that the Township had offered more than this during the negotiations. **On the motion of Dean Heffner seconded by Paul Smith, the Board accepted the appraisal amount for the Dobrinoff property and authorized Attorney Rausch to proceed. Motion carried. Two votes yes.** Attorney Rausch noted that this was the last right-of-way that is needed.

Robert Holweck advised that he has been working with Attorney Rausch and Mrs. Gunnet on how the bidding will be done. He stated that he wants the best qualified contractor for the job to limit the change orders. He will be working with ARRO, Mrs. Gunnet and Mr. Trout to create a potential list of bidders.

Mr. Holweck advised that the Spartan Heights right-of-way agreement will need to be amended because the force main will be relocated further to the south.

- 12. Public Comment – Mr. Smith noted that if speakers do not wish to have their address recorded, they must state this when speaking.

Thom Stein, 255 Meadow Road, thanked the Board for their service. He advised that he had received a notice from the Township that the security that was posted for the subdivision that he

had done would need to be adjusted for inflation. He explained that he contacted his engineer to verify the amount that was recommended by ARRO. He noted that the invoice from his engineer to review this was approximately \$120. He commented that he received two invoices from ARRO totaling \$472.59 to review and approve the security. He stated that he does not understand the large discrepancy in the amounts. Mr. Hess advised that he does not have the files with him but would look at the invoice to see what the fees are for and will contact him with the information. Mr. Stein commented that he would have saved money if he simply would have accepted the amount that was proposed.

13. Supervisors Comments – Mr. Smith asked Mr. Heffner if he had any questions. He did not and neither did Mr. Smith.
14. On the motion of Dean Heffner seconded by Paul Smith, the bills were approved. Motion carried. Two votes yes.
15. The meeting of the Windsor Township Board of Supervisors adjourned at 7:05 p.m.

Respectfully submitted,

Jennifer L. Gunnet
Secretary

CITIZENS PRESENT

June 17, 2013

Vera Miller

Robert Holweck

Elmer Fromm

JoAnna Shovlin

Thom Stein

Christopher Kraft

Dallastown PA

50 Oak Drive Red Lion PA

532 El Dorado Drive Red Lion PA

255 Meadow Road York PA

221 Overview Circle West Red Lion PA