

WINDSOR TOWNSHIP BOARD OF SUPERVISORS

August 19, 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, 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 Rodney Sechrist, the minutes from the July 15, 2013 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 copies of the Audit reports for Yorkana Volunteer Firefighters' Relief Association and Yoe Volunteer Firefighters' Relief Association from Auditor General, Eugene DePasquale. She stated that Yorkana did not have any findings but there was one observation that they were not receiving their cancelled checks back. Yoe did not have any findings.
 - C. Mrs. Gunnet advised that she has received a letter from Representative Stan Saylor congratulating the Township on receiving a Recycling Performance Grant for 2011. She noted that the amount received was \$21,375.
 - D. Mrs. Gunnet advised that she has received a letter from the Red Lion Ambulance Association regarding Wellspan's discontinuance of advanced life support service. They are assessing how they plan to address this.
 - E. Mrs. Gunnet advised that she has received a letter from VNA Home Health thanking the Township for the donation.
 - F. Mrs. Gunnet advised that she has received a letter from Red Lion Area Senior Center thanking the Township for the donation.
 - G. Mrs. Gunnet advised that she has received a letter from Kaltreider-Benfer Library thanking the Township for the donation.
 - H. Mrs. Gunnet advised that she has received a letter from the York County Department of Emergency Services notifying that they will be updating their CAD system and will be working with the fire companies to verify information.

- I. Mrs. Gunnet advised that she has received the 2012 Windsor Township Audit Report from Kochenour, Earnest, Smyser & Burg. There were no findings.
5. Windsor Township Fire & Rescue Association: Chad Arnold was present. He stated that the County is condensing the call boxes. The companies have agreed on which response vehicles are associated to a specific call. This should help to reduce the number of apparatuses dispatched.
 - A. Mrs. Gunnet advised that the Board had previously approved a loan with the Laurel Fire Company. Authorization must be granted for the Chairman to sign the agreement. On the motion of Dean Heffner seconded by Rodney Sechrist, authorization was granted. Motion carried. Three votes yes.
 - B. Mr. Smith advised that the next Fire Chiefs meeting will be held on August 22nd at Yorkana Fire Company.
6. York Area Regional Police Department: Sergeant Good reviewed the monthly report for June.
 - A. The Monthly Report for June is available for review.
7. Jeff Miller – Spokesperson for Castle Pond Drive residents – Mr. Smith advised that the Board would take comments from anyone who wished to speak. He notified the residents that there is a 5 minute limitation for each speaker and they would address anyone who wished to speak a second time after everyone had an opportunity first.

Jeff Miller thanked the Board for recognizing the residents of Monarch Ridge. He stated that the residents had come before the Board two years ago regarding the property at 979 Castle Pond Drive. He stated that over the years there have been issues with the upkeep of the property and the people living in the home as they felt that it was operated as a boarding house. He commented that the residents have had to endure this recent investigation and are upset. He noted that he did meet with Mr. Allison today and has received clarification as to how the Township has viewed this property in the past and is aware that the York Area Regional Police Department has provided evidence that has allowed for the Township to proceed with sending a notice of violation regarding the number of people living in the home. He commented that he feels that the Township is working toward a resolution and is hopeful that the issues correct themselves. He stated that he did not have a chance to speak with all of the residents in the development and asked if Mr. Allison could elaborate on what they had discussed earlier in the day.

Mr. Allison advised that a new Zoning Ordinance was adopted in January 2013. The definition of “family” was changed from the previous ordinance to reduce the number of unrelated individuals residing in a house from four to three. A clause was also added to the definition that prohibits that an individual or individuals within the household earns a profit from the living expenses of any other(s). He advised that based on the definition under the current ordinance, the house at 979 is in violation and a notice of violation has been sent to the Castle Pond Drive address as well as their Upper Darby address. The letter gives them 30 days to come into

compliance or appeal to the Zoning Hearing Board. The Township will try to follow up after the 30 days. If they are still found to be in violation, a civil complaint will be filed. He noted that under the previous Zoning Ordinance, the property was in compliance.

Ron Hunt, 799 Bishop's Circle, advised that Mr. Allison stated that he would try to follow up. He questioned what would be done. Mr. Allison explained that the Township does not have the legal right to enter a property if the owner does not grant permission. He commented that they had advertised on craigslist and he would check this site as well as check with the police department to see if they can verify information. Mr. Hunt advised that he is aware that the postal carrier had informed that there were numerous people receiving mail at this address. Mr. Allison stated that the Township is unable to use this information because it is not possible to verify if the individual lives at the property or if they had not updated their mailing address. Mr. Allison assured the residents that the Township would do everything that we can but we are still bound by the law. Attorney Rausch suggested that the residents try to keep track of the people who are living at the house. He added that the Township is responsible to prove the burden and that is what makes it hard. He noted that there was a witness a few years ago but that person was not willing to testify.

Frank Warner, 978 Castle Pond Drive, questioned why this property was not being investigated by the Township prior to this recent incident. Mr. Allison advised that he has been in the development several times this year and there have never been more than two cars in the driveway. Mr. Warner quoted a section from a Commissioner's handbook that he received from the Center for Local Government. He interpreted that this would allow the Township to search the property if there was a concern to the general welfare of the residents. He stated that he feels it is unconscionable what the Township has done. He commented that he is ashamed to live here.

Dr. Michael Lubrano, 984 Castle Pond Drive, advised that he understands the Township's limitations. He asked if the Township has sought help from outside agencies. He commented that perhaps the Township could notify the IRS or a taxing authority regarding the activities that have taken place in the home.

Frank Warner questioned why Labor and Industry was not involved to regulate the Uniform Construction Code. He stated that there are regulations in the code for air space and egress that they could be in violation of. Mr. Allison explained that the Township is an opt in municipality under the UCC but does not have a property maintenance code. Mr. Allison noted that under the previous Zoning Ordinance, the property had been in compliance. Mr. Warner asked why a notice of violation was not sent directly after the new ordinance was adopted.

The Board thanked everyone for being present. Mr. Smith commented that he understands that this is a trying situation and the people are frustrated. He stated that he knows that everyone has concerns and appreciates how everyone handled themselves this evening.

8. Emergency Management:

- A. Mr. Fromm advised that the Board has received the 2nd quarter report. He reviewed the training hours and mileage. He noted that his staff is putting in a lot of time and effort.
- B. Mr. Fromm stated that the fire at the Lower Windsor Township Public Works facility proves how important it is to have a good relationship with other municipalities. He commented that the Township has been there to help them out.
- C. Mr. Fromm commented that his staff is committed to training. He explained that currently 3 of his staff members have achieved their advanced status. He noted that Jim Wilson has now been approved for professional status and will receive his certification in October.

Mr. Fromm advised that one of his staff members, Kevin Markel, has received his basic certification. He was present and Mr. Fromm presented his plaque. He commented that as his youngest staff member, Mr. Markel shows professional dedication and initiative and sees him as the future for Emergency Management.

9. Solicitor:

- A. Attorney Rausch advised that Bob Ward Homes would like to **substitute the bond for their security with a certified bank check** to save fees for **Rose Brook I and II**. He stated that this is permitted by the MPC. He noted that he has prepared a financial security agreement. **On the motion of Dean Heffner seconded by Rodney Sechrist, the Board approved the agreement. Motion carried. Three votes yes.**

10. Township Engineer:

- A. Mr. Hess advised that he has received a request for security reduction for Shadow Ridge. He is recommending a release in the amount of \$38,220 which will bring the balance to \$34,204. **On the motion of Dean Heffner seconded by Rodney Sechrist, the Board approved the reduction based on the recommendation of the Township Engineer. Motion carried. Three votes yes.**

11. Public Works:

- A. Mr. Smith advised that the Board has received the monthly report for August. There were no questions.
- B. Husson Road bridge update – Mrs. Gunnet advised that the bridge decking was set on August 8th. She presented pictures to the Board. Mr. Smith questioned when the bridge would be open. Mr. Trout stated that a date has not been determined yet.
- C. Wise Avenue sewer extension – Mrs. Gunnet advised that the Board had approved the engineering proposal for the sewer extension on Wise Avenue. The Township has been

awarded a CDBG in the amount of \$100,000. The balance remaining will be approximately \$27,000. The extension affects 4 homes. She noted that the Township has not had a sewer extension and the Board will need to consider how the balance will be financed knowing that this will set a precedence.

Mrs. Gunnet advised that when the Route 74 water line extension was done, the cost was divided evenly over all the properties that were able to connect. She stated that when the Township had a Municipal Authority, they had done extensions. She commented that a flat amount of \$3,200 was deducted from each property's share and the property owners were responsible for paying the balance. She noted that based on inflation rates, this would compute to \$4,500 in today's standards.

Mrs. Gunnet stated that the grant funds should be received in mid 2014 with the project to be completed in 2015.

- D. Mrs. Gunnet advised that the Township has received the PennDEP 902 Grant funds which covers 90% of the cost of the 1 man leaf truck that the Township had purchased.
- E. Mrs. Gunnet advised that she has been contacted by Lower Windsor Township to see if the Township is interested in the joint purchase of a paver. She stated that the Township did borrow their paver but it was used less than one week. She commented that she cannot justify spending a large amount of funds for this type of use. Mr. Trout advised that Lower Windsor Township does not use it very often. Mr. Smith commented that he feels this is a piece of equipment that would be better to rent than own. Mr. Trout added that most of our large projects are bid. It was the consensus of the Board to not share in the purchase.

Mr. Heffner questioned if the Township has the proper insurance coverage to loan equipment to Lower Windsor Township. Mrs. Gunnet advised that she did contact the insurance company and the Township is covered.

- F. Mr. Trout advised that he has provided the Board with quotes for the purchase of a **groomer for the Sand Pro**. He stated that the lowest quote is in the amount of \$3,175. This unit will mount to the equipment. **On the motion of Dean Heffner seconded by Rodney Sechrist, the Board approved the purchase. Motion carried. Three votes yes.**

12. Other Business:

- A. Eagle Scout Project – Kristopher Ward – Mrs. Gunnet advised that Kristopher Ward has power washed the picket fence and sealed the pickets at Windsor Wonderland for his Eagle Scout Project. He organized the project and purchased the supplies.
- B. Woody waste material disposal update – Mrs. Gunnet advised that she has contacted H&H in Spring Grove and they will accept our woody waste. The Township will store the waste at an approved location and H&H will come and collect it.

- C. Home Depot – Improvements at Freysville Park – Mrs. Gunnet advised that Home Depot has a program where they do improvements throughout the community at no cost. She stated that they have replaced the lattice work at the park with maintenance free PVC lattice. They will also be designing and replacing the information board at the upper parking lot.
- D. Mr. Smith advised that the Board has received the Manager’s Report for July. There were no questions.
- E. Mr. Smith advised that the Dog Officer’s Report for July is available for review.
- F. Mr. Smith advised that the Zoning Report for July is available for review.
- G. Mrs. Gunnet advised that the Board has received a project timeline for the improvements at the Longstown Intersection. She noted that this timeline is dependent upon completion of the prior phases.
- H. Mrs. Gunnet advised that dates need to be set for the Salary Board and the 2014 Pre-Budget workshop. After discussion, it was decided that the Salary Board would meet on September 16th at 2:00 p.m. and the Pre-Budget meeting would be held on October 4th at 1:00 p.m.
- I. Mr. Smith advised that the Board meeting on September 2nd is cancelled. The next meeting will be held September 16th.
- J. Howard/Snook plan – Roadway improvements – Mrs. Gunnet advised that this subdivision is located across from Locust Grove Elementary. As part of the requirements for subdivision, a meeting was held with Representative Saylor’s Office and PennDOT to discuss any necessary roadway improvements. She stated that the intersection at Freysville Road and East Prospect Road (Rt.124) was discussed. Under the current conditions, it meets the requirements for the installation of a traffic signal. To make the intersection an acceptable level according to PennDOT regulations, it could be made into a 4 way stop. The Township’s Subdivision and Land Development Ordinance permits the Township to require the signal. Representative Saylor initially opposed a signal light but after going onsite, he felt that it is warranted. Mr. Hess added that PennDOT is also requiring the developer to research the possibility of a roundabout but he does not think that the topography in this area will allow it to function properly. Mrs. Gunnet advised that the installation of the signal light would be the responsibility of the developer but the Township would be required to maintain it.

13. Unfinished Business:

- A. Panorama Hills Pump Station – Rolling Acres Easement Agreement – Attorney Rausch advised that Rolling Acres Golf Course has agreed with the appraised value in the amount of \$8,300. He stated that we will try to accommodate them by doing the work during the winter when their business would be less affected. He added that the Township had also agreed to reimburse their attorney fees up to \$1,500. **On the motion of Dean Heffner seconded by**

Rodney Sechrist, the Board approved the Easement Agreement for the Rolling Acres Golf Course. Motion carried. Three votes yes.

Attorney Rausch noted that he has not heard from Mr. Dobrinoff's attorney.

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

Grant Anderson with Shaw Surveying advised that he would like to discuss the proposed **Ryan Woerner subdivision plan**. Mr. Allison explained that this plan had been on the agenda but then removed before it was finalized. He stated that the plan cannot be approved this evening but there are several waivers that he feels could be addressed.

Mr. Anderson advised that this subdivision fronts on **Bethlehem Church, Delta and Springvale Roads**. They intend to remove the existing house from the tract and are proposing to create one lot on which to build a single family dwelling. He stated that they are requesting three waivers. They are for the connection to public sewer, connection to public sewer and cartway widening. The house is proposed to be located more than 150' from the sewer and water mains. Mr. Trout advised that improvements were scheduled to be made to Bethlehem Church Road in the next few years and this property has more than 800' of road frontage along the road. He stated that there had been discussion on accepting a fee in lieu of the widening. Mr. Woerner advised that he had obtained a quote of \$29,000 to widen Bethlehem Church Road. Mr. Trout stated that he does not think that it is necessary to widen the road as it is already 20' wide. He stated that he feels a contribution toward the road improvements would be more practical. Mrs. Gunnet noted that the Posey subdivision along this road had made a contribution toward the roadwork.

Mr. Allison stated that the Windsor Township Planning Commission voted to grant all three waivers. **On the motion of Dean Heffner seconded by Rodney Sechrist, the Board granted the waivers for the connection to public sewer and water. Motion carried. Three votes yes.**

The Board concluded that they needed figures on what had been previously contributed as well as the cost for the improvements to make a decision on the waiver of road widening. The Board tabled the discussion.

15. Supervisors Comments – Mr. Smith asked the Board if they had any questions. Mr. Sechrist did not have any.

Mr. Heffner stated that he had spoken with Mrs. Gunnet regarding the cancelling the first Board meeting each month. The Board took the matter under advisement.

Mr. Smith did not have any comments.

16. On the motion of Dean Heffner seconded by Rodney Sechrist, the bills were approved. Motion carried. Three votes yes.
17. The meeting of the Windsor Township Board of Supervisors adjourned at 7:14 p.m.

Respectfully submitted,

Jennifer L. Gunnet
Secretary

CITIZENS PRESENT

August 19, 2013

Jean M. Warner	978 Castle Pond Drive York PA
Frank Warner	978 Castle Pond Drive York PA
Jerome Fuhrman	965 Castle Pond Drive York PA
Charles Snyder	960 Castle Pond Drive York PA
Mary Ann Snyder	960 Castle Pond Drive York PA
Elmer Fromm	50 Oak Drive Red Lion PA
Rodger Reeve	996 Castle Pond Drive York PA
Kathy Reeve	996 Castle Pond Drive York PA
Joan Byrne	972 Castle Pond Drive York PA
Ron Byrne	972 Castle Pond Drive York PA
Garry Gladfelter	20 Rosalia Circle York PA
Helen Gladfelter	20 Rosalia Circle York PA
Cindy Sarver-Moyer	990 Castle Pond Drive York PA
Steph Frey	964 Castle Pond Drive York PA
Robert Frey	964 Castle Pond Drive York PA
Mark A. Ross	987 Castle Pond Drive York PA
Gayle Ross	987 Castle Pond Drive York PA
Diane D'Auria	961 Castle Pond Drive York PA
Mike D'Auria	961 Castle Pond Drive York PA
Dr. Michael Lubrano	984 Castle Pond Drive York PA
Martin Bauer	958 Castle Pond Drive York PA
Virginia Bauer	958 Castle Pond Drive York PA
Heather Morris	976 Castle Pond Drive York PA
David Bowersox	975 Castle Pond Drive York PA
Vera Miller	
Sergeant Good	York Area Regional Police
Officer Miles	York Area Regional Police
Bob Kennick	994 Castle Pond Drive York PA
Bernie Thurston	4205 Charity Drive Red Lion PA
Sharon Thurston	4205 Charity Drive Red Lion PA
Pat Miller	981 Castle Pond Drive York PA
Jeffrey A. Miller	981 Castle Pond Drive York PA
Fred A. Stell	908 Castle Pond Drive York PA
Shirley A. Stell	908 Castle Pond Drive York PA
Kathy Fauland	38 First Street Windsor PA
Jill Heindel	1440 Bahn's Mill Road Windsor PA
William J. Jackson	909 Castle Pond Drive York PA
Charles Silar	1500 Windsor Road Red Lion PA
Kevin Markel	205 Stabley Lane Windsor PA
Wayne R. Markel	720 Jefferson Lane Red Lion PA
Ronald Hunt	799 Bishop's Circle York PA
Carrie Faulkner	950 Castle Pond Drive York PA
Brad McKinsey	195 Smith Road Red Lion PA
Ryan Woerner	824 Delta Road Red Lion PA
Grant Anderson	Shaw Surveying, Inc.