

WINDSOR TOWNSHIP BOARD OF SUPERVISORS

February 29, 2016

1. The meeting of the Windsor Township Board of Supervisors was called to order by Chairman Dean Heffner at 6:00 p.m. He noted that this is the rescheduled date for the meeting that was cancelled on February 15, 2016 due to the inclement weather.

Those present: Dean Heffner, Jo Anna Shovlin, Rodney Sechrist, Attorney Charles Rausch, John Klinedinst, Jennifer Gunnet, Kipp Allison and Deanna Coble. See the attached list of citizens present.

2. The Pledge of Allegiance was recited.
3. On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the minutes from the January 18, 2016 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 the Felton Volunteer Fire Company to their Appreciation Banquet which will be held on Saturday, March 5th. She asked the Board to let her know if they would be attending so she can RSVP.
 - C. Mrs. Gunnet advised that she has received a copy of the audit report from the Pennsylvania Auditor General's Office for the Yorkana Firefighters Relief Association. It covers the period of January 1, 2012 to December 31, 2014. She stated that there was one finding for an untimely receipt of the relief funds from Yorkana Borough. She stated that this was due to Yorkana Borough being late in submitting their paperwork to the state. Mrs. Shovlin questioned if they are going to dispute it. Mrs. Gunnet advised that she was unaware as she did not speak to anyone from the Relief Association.
 - D. Mrs. Gunnet advised that she has received a letter from Tina Dietz regarding a Zoning Hearing Board case that was heard on January 27, 2016. She stated that her husband came to the office and spoke with Mr. Allison regarding this so there is no need to respond. The Board has a copy of the letter.
 - E. Mrs. Gunnet advised that she has received an invitation from Yoe Fire Company & York Regional Emergency Medical Services to their Appreciation Banquet which will be held on Saturday, April 2nd. She asked the Board to let her know if they would be attending so she can RSVP. Mr. Sechrist noted that this is the same day as the Appreciation Banquet for the Yorkana Volunteer Fire Company that is also listed on the agenda. It was decided that a Board member would attend each banquet.
 - F. Mrs. Gunnet advised that she has received notification from Comcast that they will be implementing a Professional Installation Charge effective March 7, 2016. The fee will be \$79.99. Information was provided to customers with their invoices.

5. Windsor Township Fire & Rescue Association – Eric Myers was present. He advised that he did not have anything to report.

A. Mr. Myers advised that the next Fire Chiefs meeting will be held on March 24th at Yoe.

6. York Area Regional Police Department – Acting Chief Tim Damon was present. He reviewed the statistics for February noting that he should have the 2015 Annual Report completed for the next meeting.

Mr. Sechrist questioned if County Control is cooperating with the Department. Acting Chief Damon stated that they are but a report that he received was inaccurate.

Mrs. Shovlin congratulated Acting Chief Damon on his selection as the new Chief. The official appointment will take place on March 10th.

A. The monthly reports for December and January are available for review.

7. **Appointment of Emergency Management Coordinator - Jim Wilson** - Mrs. Gunnet advised that Jim Wilson is currently an EMA staff member and he has agreed to become the Coordinator. She noted that he already has most of his certifications. She stated that the Board would need to appoint him to the position and then the request would be sent to the County who will forward it to Governor Wolf for approval. On the motion of Dean Heffner seconded by Rodney Sechrist, the Board appointed Jim Wilson as the Emergency Management Coordinator. Motion carried. Three votes yes.
8. Elmer Fromm - Ownership/Possible adoption of Oak Drive - Mrs. Gunnet advised that the Board has received information from Mr. Fromm regarding his request to have Oak Drive adopted by the Township. She explained that the road is currently stone. In 1996 a request had been made to adopt the street. The minutes stated that there was a 33' right-of-way for the road and they would not consider adoption unless there was a 50' right-of-way. There was another subdivision that was done that added the lots to the properties that front on Felton Road.

Mr. Fromm stated that in July of 1955, the plan that created the lots was approved. His home was built in 1958 and he bought it in 1980. He stated that the original developer, the Mitzels, own the road so there have been no taxes paid on it. He commented that since he does not own it, he would not be able to obtain a Building Permit to have it paved. Attorney Rausch advised that the road may not have a value and therefore no taxes would be assessed. He added that their deeds provide them with the rite of passage to their lots. Mr. Fromm stated that he could still not make improvements since he does not have legal right to it. Mr. Allison advised that his original discussion with Mr. Fromm was regarding adoption of the street by the Township. A Building Permit could be issued to resurface the road.

Mrs. Shovlin questioned what would need to be done in order for the Township to adopt the road. Mr. Allison advised that major improvements would be needed. The road would need to be widened and paved. Stormwater controls would need to be installed as well.

Mr. Fromm asked what his legal options are. Attorney Rausch questioned what he wants to do. Mr. Fromm stated that one thing would be running utilities. Attorney Rausch commented that would be subject to his rights to use and may already be permitted. He stated that this is a private matter and not the responsibility of the Township. He noted that the Township is not required to adopt a private street. It would be the responsibility of the residents to bring the street up to Township specifications in order for it to be adopted.

9. PLANS FOR DISCUSSION:

A. **KENSINGTON, PHASE II - Plan by Site Design Concepts for 37 lots off Ness Road - Connection to sewer main and recreation** - Scott DeBell of Site Design Concepts and Bill Briegel of Keystone Custom Homes were present. Mr. Briegel advised that they are looking for approval from the Board on the type of baseball field that the Township desires. It was noted that they had looked to purchase land off site for the field but it is now being proposed back onsite. Mrs. Gunnet noted that she has confirmed with the Recreation Director that they need a larger baseball field. During the offseason, the outfield can then be used for soccer. Mr. Klinedinst stated that this is acceptable if that is what WARC wants and Keystone Custom Homes is looking for a conceptual agreement so that they can continue with the designs. **On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board agreed on one larger baseball field. Motion carried. Three votes yes.**

Attorney Rausch questioned if the field will be on a separate parcel. Mr. Briegel advised that it would be and it would be deeded to the Township.

Mr. DeBell advised that they have discovered an issue with the connection to the public sewer system. He explained that they have right-of-ways in place to run sewer from the proposed development to Swiftwater Drive in the Rose Brook II development. Swiftwater Drive is a stub street. A sewer main is in Swiftwater Drive but does not extend to the property line. Because it is a private road, they do not have access to tie into the sewer line. Mr. Briegel advised that they have contacted the developer, Robert Holweck, regarding connection to the line but he is requiring compensation equal to the costs to construct the street. He questioned if the Township can put a blanket easement over the sewer line. Attorney Rausch advised that he would need to research this but it sounds like Keystone is asking the Township go get in the middle of a private matter. Mr. Klinedinst noted that it is in the best interest of the Township for this connection.

Attorney Rausch questioned if there are other options. Mr. Allison advised that there is no other connection point. Mrs. Gunnet added that the only other option would be to run it down Dietz Road but that would require a pump station.

It was the consensus of the Board to take the matter under advisement.

10. Solicitor:

A. Ibaugh property - 385 Windsor Road - Stormwater Agreement - Attorney Rausch advised that the property owner is planning to add an addition and some other improvements to their home that

require a stormwater agreement. He noted that he has reviewed and approved the agreement and it has been signed by the owner. He noted that a model agreement is typically used but they chose to make some amendments to it. **On the motion of Rodney Sechrist seconded by Jo Anna Shovlin, the Board approved the Stormwater Maintenance and Monitoring Agreement for the Ibaugh property at 385 Windsor Road. Motion carried. Three votes yes.**

- B. Dirk Posey - Bethlehem Church Road - Security update - Attorney Rausch advised that the agreement has been prepared and signed that outlines the requirement for the installation of stormwater controls in conjunction with the issuance of a Building Permit. The agreement will be recorded with the deed. **On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board approved the agreement for Lot 2. Motion carried. Three votes yes.**
- C. Windsor Meadows - Attorney Rausch advised that the attorney from the surety company has informed that they have an agreement with the bank. The surety company will be responsible for completing the improvements. They hope to have work completed in April.

11. Township Engineer:

- A. Waiver Request - Slopes on Lots 143 & 144 in Whisper Run - Mr. Allison advised that when the home was built on Lot 144, he discovered at the time of the Certificate of Occupancy inspection that the required slope around the foundation was not being met. He explained that the rear yard has a steep slope. To correct the problem, the builder, Keystone Custom Homes, brought in fill to meet the regulations. Now the fill is failing and the Township has been contacted by both the homeowner and the builder. He stated that he and Mr. Klinedinst met on site when it was first brought to the Township's attention and again last week. Mr. Klinedinst advised that fortunately there was no additional failure since the initial inspection. He explained that his recommendation is to bring the site back to its original condition before the fill was brought in. This would involve removing the fill, restabilizing the slope and reseeding the embankment. Mr. Klinedinst stated that the fill is currently unstable and because of the steepness of the grade, it will continue to slide away. Mr. Heffner questioned if a wall would help. Mr. Allison stated that it could be a possibility but it would have to be terraced. He noted that the homeowner is working with the builder to negotiate for the loss of land. He added that the adjoining lot is going to have the same condition.

On the motion of Dean Heffner seconded by Jo Anna Shovlin, the Board granted the waiver of Section 404.F of the Subdivision and Land Development Ordinance for maximum rear yard slope within the first 20' of the foundation for Lots 143 and 144 in Whisper Run. Motion carried. Three votes yes.

12. Public Works:

- A. Mr. Heffner advised that the Board has received the monthly report for February. There were no questions.

- B. Purchase of F-550 - Hondru Ford - Mr. Heffner advised that the Board has received information on the truck. **On the motion of Dean Heffner seconded by Rodney Sechrist, the Board approved the purchase of the F-550. Motion carried. Three votes yes.**
- C. Purchase of dump body for F-550 - E. M. Kutz - Mr. Heffner advised that the Board has received information on the truck body. **On the motion of Dean Heffner seconded by Rodney Sechrist, the Board approved the purchase of the dump body for the F-550. Motion carried. Three votes yes.**
- D. **Public Works Building - Modine heater** - Mrs. Gunnet advised that the modine heater near the mezzanine is not working properly. A quote to repair it was obtained in the amount of \$3,900. The contractor had advised that even if it is repaired, it is still not an efficient unit and recommended replacing with a furnace. The cost for the furnace would be \$6,961. Mr. Heffner questioned if there is a heater at the old Bahn's Mill building that could be used to replace this one. Mrs. Gunnet noted that those heaters have not been used in 8 years. Mrs. Shovlin stated that she feels it is better to replace it than repair it based on the cost. **On the motion of Rodney Sechrist seconded by Jo Anna Shovlin, the Board approved the purchase of a furnace to replace the modine heater near the mezzanine. Motion carried. Three votes yes..**
- E. Wise Avenue - Connection update - Mrs. Gunnet advised that the property owner that is working with the York County Planning Commission still has not connected.
- F. Cranberry Lane/Dietz Road Sewer Extension - Update on connections & Time extension - Paul Deller - Mrs. Gunnet advised that the Board has received information on the connections. She stated that Mr. Deller was given until February 13th to connect. He stopped at the Township office to report that due to the weather, the work will be completed tomorrow. The Board did not have an issue with this. Mr. Allison suggested placing a timeframe on the extension in case he does not complete the work. It was the consensus of the Board to give him an extension until March 4th to make the connection.
- G. January 22 - 24, 2016 Snow Event - Mrs. Gunnet advised that the Township declared a Snow Emergency. A Disaster Declaration was also filed. She stated that if funding is available, the Township could be reimbursed approximately \$76,000. The required paperwork has been submitted to the County. Mrs. Gunnet advised that there were 5 citations filed for cars parked on the streets and 98 citations for unshoveled sidewalks. It was noted that the timeframe for snow removal was extended from Monday to Thursday. Mr. Allison noted that the inspections were done on Friday, Monday and the following Friday following the storm.
- H. Water termination process - Posting of York Water Company customers - Mrs. Gunnet advised that there have been inconsistency issues with the postings done by York Water Company and therefore from this point forward, the Township will be doing all of the postings. The Water Company will still be responsible for the shutoffs.
- I. Beaverson interceptor update - Mrs. Gunnet advised that the County has signed off on the Planning Modules and they have been sent to PennDEP. Attorney Rausch advised that he is still

working on right-of-ways and provided the Board with an update. Mr. Heffner questioned the status of the MacNamara right-of-way. Attorney Rausch advised that they were going to have their own appraisal completed but he has not received a copy yet.

13. Other Business:

- A. Mr. Heffner advised that the Board has received the Zoning Report for January. There were no questions.
- B. Mr. Heffner advised that the Board has received a copy of the Township Manager Report for January. There were no questions.
- C. Mr. Heffner advised that the Board has received a copy of the Animal Control Officer Report for January. There were no questions.
- D. Mrs. Gunnet advised that the meeting scheduled for March 7th has been cancelled.
- E. Mr. Heffner advised that Community Volunteer Day will be held on Saturday, April 30th from 9:00 a.m. to 1:00 p.m. at Freysville Park. He encouraged everyone to come help
- F. Earth Day Public Workshop - Saturday, May 14th at Freysville Park - Mr. Allison advised that the Township is partnering with the Red Lion Municipal Authority and Master Watershed Stewards to provide an Earth Day workshop which is open to the public. The Master Watershed Stewards will be in charge of running the event and will provide a flyer. The Township will be responsible for some advertising. Mr. Heffner questioned if it will be an all day event. Mr. Allison stated that it will be approximately 4 to 5 hours and when more details are known they will be passed on. He noted that this is a great benefit for our MS4.
- G. Felton Borough - Update - Mrs. Gunnet advised that she has received a letter from Felton Borough requesting that we consider a merger with them. She stated that she contacted the Secretary to ask a few questions. Their sewer plant was built in 2005 and the loan is until 2045. Their 2010 population was 506. It was noted that they have a large floodplain. Mr. Heffner stated that he is not in favor of a merger. Mrs. Shovlin commented that she feels the Township should obtain additional information from them to review before making a decision. Mr. Heffner noted that it would ultimately be up to the residents of both municipalities to vote on the merger. There was discussion on the process. Attorney Rausch questioned if the Board would want to increase to 7 members. Mrs. Shovlin was not in favor of a 7 member board. The other Board members agreed.
- H. Met-Ed rebate program - Parking lot lights, wall pack lights and interior lights at the Public Works Building/parking lot lights and wall pack lights at the Administrative Building - Mrs. Gunnet advised that at the last Manager's meeting, they had a speaker from Met-Ed that gave a presentation on rebate programs. There are currently rebates available for the conversion to LED lighting. She stated that at the Public Works Building there is the opportunity to change the parking lot lights as well as wall pack and interior lights. At the Administrative Building there

are parking lot lights and wall pack lights that can be converted. She noted that the lights with the higher wattage have the most potential for savings.

Mr. Heffner commented that there are a lot of lights at the Public Works Building that are on all the time. Mrs. Gunnet stated that she looked into this in the past and because there are no emergency lights, the Uniform Construction Code requires other lighting.

Mr. Sechrist questioned who would be doing the work. Mrs. Gunnet advised that Met-Ed has a list of contractors and if one of them is used, they handle all of the necessary paperwork. She noted that she has met with a representative of MVE to obtain a quote. If all of the lights were to be replaced at the Public Works Building, it would cost approximately \$15,000 and the estimated time to recoup the fees is 4.3 years. If all of the lights were to be replaced at the Administrative Building, it would cost approximately \$4,700 and would take 4.38 years to recoup the fees. She added that there would be an additional fee of \$100 per parking lot light for bronze lighting. Mrs. Gunnet noted that there are not funds budgeted and she does not feel that all of the lights need to be replaced. This rebate expires at the end of May and a new rebate will start in June but it is unknown as to what it will be. It was the consensus to get a quote on replacing the higher wattage lights.

- I. Boiler issue at Administrative Building - Mrs. Gunnet advised that the boiler has 4 sections, one of which has already been replaced. Another is now leaking and the cost to repair will be approximately \$5,000.

There was discussion on insulating the front wall in the main office as it is exposed concrete block and is very cold. It was the consensus of the Board to budget for this in 2017.

Mr. Heffner questioned if there is an update on the replacement of the Board table countertop. Mrs. Gunnet advised that she has not heard back from Mr. McBrien.

Mr. Sechrist left the meeting at 7:20 p.m.

- J. **Ordinance No. 2016-02-01 - Building Permit Ordinance - Floodplain compliance** - Mr. Allison advised that the recommended changes have been made and the Ordinance has been advertised for adoption. He noted that he did make contact with DCED to inform them of the cancelled meeting and also sent them a copy of the proposed ordinance to review ahead of time but he did not receive any correspondence from them. **On the motion of Jo Anna Shovlin seconded by Dean Heffner, the Board approved the Ordinance. Motion carried. Two votes yes.**
- K. Mr. Heffner advised that an Executive Session will be held after the meeting to discuss a personnel matter.

14. Unfinished Business:

- A. Rt. 124 & Freysville Road intersection - Mrs. Gunnet advised that the Board has received a copy of an email from Jason Bewley from PennDOT. His correspondence explains that the Township would be responsible for the design, installation and maintenance of a flashing light at the East Prospect and Freysville Road intersection if we were to proceed. Mrs. Gunnet commented that based on the results of the traffic study and the accidents, it appears that it is mostly driver error and not the design of the intersection. The Board agreed and it was the consensus to not pursue a flashing light.
- B. Speed limit - Freysville Road between Windsor Road and Mt. Pisgah Road - Update - Mrs. Gunnet advised that PennDOT had reported that a traffic study was done in 1999 but it was focused on southbound traffic on Freysville Road. They require a letter from the Township if we want a study completed. Mr. Klinedinst noted that if 85% of the travel volume exceeds the established speed limit, it will not be reduced. It was the consensus of the Board not to proceed with a study.

15. Public Comment – Mr. Heffner noted that if speakers do not wish to have their address recorded, they must state this when speaking. Spencer Seaks, 951 Wise Avenue, questioned if any properties in Felton Borough are served with public water. He commented that he thought that a few did. Mr. Klinedinst stated that he thought a feasibility study had been done to see if it would be possible to extend public water to the Borough but he did not believe that it was done. The Board agreed that this should be confirmed. Mr. Heffner commented that well failures could lead to a potential extension like was done with the Windsor Woods Development.

16. Supervisors Comments – Mr. Heffner asked Mrs. Shovlin if she had any comments. Neither Mrs. Shovlin nor Mr. Heffner had any comments.

17. On the motion of Jo Anna Shovlin seconded by Dean Heffner, the bills were approved. Motion carried. Two votes yes.

18. The meeting adjourned into an Executive Session to discuss a personnel matter at 7:32 p.m.

Respectfully submitted,

Jennifer L. Gunnet
Secretary

CITIZENS PRESENT

February 29, 2016

Vera Miller

Rodney Hake

Elmer Fromm

Scott DeBell

Bill Briegel

Spencer Seaks

Eric Myers

Acting Chief Timothy Damon

30 Oak Drive Red Lion PA

50 Oak Drive Red Lion PA

Site Design Concepts

Keystone Custom Homes

951 Wise Avenue Red Lion PA

Windsor Township Fire & Rescue Assoc.

York Area Regional Police Department