

WINDSOR TOWNSHIP BOARD OF SUPERVISORS

January 16, 2017

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, Jo Anna Shovlin, Rodney Sechrist (6:07 p.m.), Attorney Charles Rausch, John Klinedinst, Jennifer Gunnet, Jeremy Trout, Kipp Allison and Deanna Coble.

2. The Pledge of Allegiance was recited.
3. On the motion of Jo Anna Shovlin seconded by Dean Heffner, the minutes from the January 3, 2017 meeting were approved. Motion carried. Two votes yes. Mr. Sechrist was not present.
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 the 2016 EMS Year End Report for the Red Lion Ambulance Association. The Board has received a copy. There were no questions.
 - C. Mrs. Gunnet advised that she has received an invitation to the Felton Volunteer Fire Company's Annual Appreciation Banquet which will be held on March 11th. She asked the Board to let her know if they plan to attend so she can RSVP.
5. Windsor Township Fire & Rescue Association – James Pritchard was present. He informed the Board that he is the Chief of the Windsor Fire Company and is now the Association President.
 - A. The next Fire Chiefs meeting will be held on February 23rd at Red Lion.
 - B. Mrs. Gunnet asked Mr. Pritchard if he is familiar with Act 172 which can allow for tax credits for volunteer fire fighters that meet specific criteria. She noted that the Board sets the criteria and it would only apply to those firefighters residing in Windsor Township. Mr. Pritchard stated that he is not familiar with the Act but he can bring it to the Association's attention at the next meeting. Mrs. Gunnet added that she provided information to the Board before the meeting.
6. York Area Regional Police Department - Sergeant Ken Schollenberger was present. He reported that there were no fatalities due to accidents in 2016 in Windsor Township. There were over 1,500 citations issued last year and the number of warnings increased as well. He stated that currently the Township has an average of 87 hours. There were no questions for him.
 - A. The monthly report is available for review.
 - B. Mrs. Gunnet advised that Chief Damon asked that the Board provide a list of priority concerns that they would like to see addressed in 2017. The Board agreed that addressing speeding is a priority. Mrs. Shovlin stated that speeding at the intersection of Freysville Road and Manor Road is an issue. She added that she would like to see continued patrol at the Cape Horn Road and

Lombard Road intersection, especially during peak times. Sergeant Schollenberger will relay this to Chief Damon.

7. PLAN FOR APPROVAL:

- A. **CHARLES REXROTH - Final Land Development Plan #3578-15-01 by Team Ag, Inc., for proposed turkey barns along Elfner Road** - Adam Keller with Team Ag, Inc. was present. Mr. Allison advised that Mr. Rexroth currently has two turkey barns on this property and the plan proposes two additional barns. The same access drive will be used. He stated that there are several waiver requests.

Mr. Keller advised that the first request is of Section 304.2.B.27 for the installation of property corner markers. He stated that no changes are being proposed and the lot is approximately 109 acres.

Mr. Allison advised that they are requesting a waiver of Section 305.2.B for the plan scale due this being a large tract.

Mr. Allison stated that a waiver of Section 304.2.B.33 for the building elevations is being requested.

The next waiver is of Section 306.Q for the side slope of a stormwater basin. The Ordinance requires a 4:1 slope and 3:1 is being proposed. Mr. Keller advised that the PA Erosion & Sediment Control Manual allows for this. More land would be disturbed with a 4:1 slope. An Engineer would be on site to inspect this to ensure that it does not fail.

The final waiver request is of Section 306.2.A for a Water Facility Study. It was noted that some of the criteria has been addressed with C.S. Davidson but it does not meet the full requirements.

Mr. Klinedinst advised that he is recommending approval of the waivers as they are specific to this plan.

On the motion of Dean Heffner seconded by Jo Anna Shovlin, the Board approved the waiver requests. Motion carried. Three votes yes.

On the motion of Dean Heffner seconded by Jo Anna Shovlin, the Board approved the plan. Motion carried. Three votes yes.

8. PLAN FOR DISCUSSION:

- A. **KENSINGTON, PHASE 2 - Preliminary Subdivision Plan #2005332-069 by RGA Associates, lots on Sunbury Drive and Dietz Road Extended - Discussion regarding baseball field - The Board tabled this discussion.**

B. MIA BRAE INDUSTRIAL PARK - Preliminary/Final Land Development Plan #011231 by James R. Holley & Associates, Extension of Boxwood Road off Rt. 74 - Blaine Markel with James R. Holley & Associates was present. He explained that the front portion of the Mia Brae tract is located in Red Lion Borough and the rear portion is in Windsor Township. He added that the property previously owned by Yorktowne Kitchens is also included in the park. The park is approximately 86 acres. He stated that they have taken the plan to Red Lion Borough and have received conditional approval.

Mr. Markel explained that the portion of Boxwood Road in Red Lion Borough would be converted to a private street that would be maintained by Mr. Rexroth. Redco Avenue would remain a public road in Red Lion Borough. He stated that the focus of this plan is on the old Yorktowne site. He noted that the Windsor Township Planning Commission recommended conditional approval of the plan and approved their waiver requests. He added that there is one additional waiver request that the Planning Commission did not address as it was requested after the approval was granted. This one is from the Stormwater Ordinance. Mr. Allison advised that although Red Lion Borough conditionally approved the plan, they need to officially sign the plan prior to the Township's approval due to the access requirements. Mr. Markel stated that he is looking for approval of the four waiver requests as well as conditional approval of the plan this evening. He explained that the outstanding items with Red Lion Borough are the posting of security, posting of the maintenance bond and completing the paperwork to vacate Boxwood Road.

Mrs. Gunnet questioned where Boxwood would be converted to a private street. Mr. Markel stated that it would be from Delta Road to the end as it is not suitable for trucks. Mrs. Shovlin asked if there would be another point of access when future development occurs. Mr. Markel advised that Redco Avenue is a loop street. Boxwood Road will remain but will be privately maintained.

Mr. Klinedinst advised that he recommends that the Board take action on the waivers but he is not prepared to make a recommendation on the plan as it has been past practice that the Township does not grant conditional approvals. He added that an amount for the security has not been determined at this point.

Mr. Markel advised that the first waiver request is of Section 502.5.B for the length of a cul-de-sac. He stated that there are two points of access in Red Lion Borough.

The second waiver request is of Section 503.2.A for the percentage of slope at intersecting streets. Mr. Markel advised that Boxwood Road exists and no changes are proposed for the intersections. Mrs. Shovlin commented that there have been issues with water runoff from Boxwood Road onto Delta Road. Mr. Markel stated that they would be addressing drainage on the property. Mr. Klinedinst noted that this waiver request is in regards to the leveling pad at the intersection and not stormwater.

Mr. Markel advised that they are requesting a waiver of Section 308.S for fencing around a detention basin. He stated that the pond has been installed for over 10 years and there is no

access to it from the closest development, Chatham Creek. Mr. Allison commented that this is a similar situation for the waiver that was granted for IAMAW Plan..

Mr. Markel stated that the final waiver request is of Section 307.A of the Stormwater Management Ordinance for the calculation method for the stormwater runoff for the site. He stated that they are proposing to use the Rational method versus the Rate method.

On the motion of Dean Heffner seconded by Jo Anna Shovlin, the Board approved the waiver requests based on the recommendation of the Township Engineer. Motion carried. Three votes yes.

The Board did not take action on the plan.

9. Solicitor - Attorney Rausch advised that he did not have anything to report.

10. Township Engineer:

A. **New Forest Hills, Phase III - Escrow Account** - Mr. Klinedinst advised that there are two vacant lots in the development. If the stormwater pits were installed, this would complete the necessary work under the NPDES Permit and it could be closed. Mrs. Gunnet stated that she sent an email to Cynthia Lebowitz, the power of attorney for the Blouse Estate, explaining the situation and the options. She was opposed to having the pits installed on the lots. Christopher Kraft advised that the other option would be to apply for a new NPDES Permit and update the site to the new standards, including the basin. He stated that installing the stormwater pits is the best option to close out the permit. Mr. Allison commented that the Township has control of the escrow account and questioned if the Township could go ahead and install the pits. Mrs. Gunnet noted that the pits would have to be sized for maximum buildout, not knowing the size of improvements that would be installed. She added that the Agreement states that the Township has discretion on how to use the funds. Mr. Kraft and Mr. Allison both noted that Eric Jordan has no issues with the detention basin.

On the motion of Rodney Sechrist seconded by Jo Anna Shovlin, based on the recommendation of the Township Engineer, the Board approved for the stormwater pits to be installed on the two vacant lots in New Forest Hill, Phase III. Motion carried. Three votes yes.

Mr. Klinedinst gave credit to Mr. Kraft for handling this project.

11. Public Works:

- A. Mr. Heffner advised that the Board has received the monthly report for January. There were no questions.
- B. Wise Avenue - Connection Update - Mrs. Gunnet advised that Mr. Reinhart has still not connected to public sewer. She stated that he did stop at the office to inform that he is working

on it. The contractor he hired did not have the proper equipment for the job. Mr. Reinhart was provided with the names of several other excavators. The Board agreed that another citation should be filed. Mr. Allison commented that the citations have not seemed to affect him and questioned if the Township could connect the house and lien the property. There was discussion on this option. Attorney Rausch advised that he would research this option.

Spencer Seaks, Wise Avenue, commented that the contractor trenched from the house to the cleanout. Mrs. Gunnet advised that the lateral is 7' deep. She stated that Mr. Reinhart informed her that the interior plumbing work is complete.

It was the consensus of the Board to file another citation and have Attorney Rausch research to determine if the Township can make the connection and lien the property.

- C. Beaverson Pump Station Elimination - Update - Mrs. Gunnet advised that all the permits have been issued by PennDEP. A prebid conference will be scheduled for late February.
- D. **2016 Pump Station Improvements - Payment Application #2 - \$210,695.39** - Mrs. Gunnet advised that the second payment application has been received in the amount of \$210,695.39. Mr. Trout stated that the work is going smoothly and they are doing a good job. On the motion of Dean Heffner seconded by Jo Anna Shovlin, the Board approved Payment Application #2. Motion carried. Three votes yes.
- E. Purchase of a snow plow - Mr. Trout advised that the Board has received information on the purchase a snow plow from Valk Manufacturing through the Costars program. Mr. Heffner questioned what vehicle it would be for. Mr. Trout stated that it would replace the one on the loader. That plow was used when it was purchased and needs to be replaced. On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board approved the purchase of the plow. Motion carried. Three votes yes.

Mr. Heffner questioned how much longer the Township will be able to operate with one crew for plowing. Mr. Trout advised that the employees are able to plow for a few hours and then sleep for a few hours before going out again. Mr. Heffner questioned the average time to complete a route. Mr. Trout advised that all of the routes take approximately four hours to complete. The Township now has 90.4 miles to plow.

12. Other Business:

- A. Mr. Heffner advised that the Board has received the Zoning Report for December. There were no questions.
- B. Mr. Heffner advised that the Board has received a copy of the Township Manager Report for December. There were no questions.
- C. Mr. Heffner advised that the Board has received a copy of the Animal Control Officer Report for December. There were no questions.

- D. Reduction of Surety for Sewer Capacity: Laurel Vistas, Phases I & II, Shawnee Manor, Windsor Meadows, Wisheaven Condominiums and David & Arla Stein - Mrs. Gunnet advised that the previous Sewer Ordinance required the posting of a letter of credit for the reservation of sewer capacity. Every January the letter of credit is reduced by the number of sewer permits that were issued in the previous year. Reductions are as follows:

Laurel Vistas, Phases I & II - Reduce by \$21,725
Shawnee Manor - Reduce by \$1,225
Windsor Meadows - Reduce by \$1,000
Wisheaven Condominiums - Reduce by \$10,000
David & Arla Stein - \$2,270

On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board approved the reductions. Motion carried. Three votes yes.

- E. Possible availability of additional sewer capacity - Mrs. Gunnet advised that Spring Garden Township may have additional sewer capacity that they may sell. She explained that they will be constructing a new municipal facility off Mt. Rose Avenue. The land is zoned Industrial and more units of capacity were allocated to the site than what they will be using.

Mrs. Gunnet stated that the Township was projected to use 6,540 edus at the end of 2016 which is 57% of the available units. The amount used at the end of 2015 was 5,402. Mr. Heffner questioned what would happen if the Township would run out of capacity. Mrs. Gunnet advised that developers would be required to install their own sewer plants. The Board expressed interest in purchasing additional units. It was suggested that we work with the other Townships that are interested to share any available units rather than bidding against each other. Mrs. Gunnet noted that a decision has not been made by Spring Garden Township but she wanted to make the Board aware of the possibility.

- F. Fire Tax - Discussion - Mrs. Gunnet advised that the Board had discussed implementing a Fire Tax in 2018. She stated that it would be done by Resolution. Currently \$497,000 is budgeted for the fire companies which includes the contract amounts and the Township's portion of their Workers' Compensation insurance. She questioned if the Board wanted to offset the General Fund budget amount or have the Fire Tax be in addition to what is already allocated. Mrs. Shovlin stated that it would be in addition to the amounts. Mrs. Gunnet advised that she can prepare a spreadsheet with the anticipated income based on different millage rates. Attorney Rausch noted that the maximum millage rate permitted without requiring a referendum on the ballot is 3 mills.

Mrs. Gunnet noted that Hellam Township repealed their Fire Tax and increased their Real Estate Tax. York Township does not have a contract so their Board of Commissioners decide how the funds collected through their Fire Tax are distributed. North Hopewell Township enacted their Fire Tax in 2016.

John Cheeseman, Cranberry Lane, questioned if the residents would be able to vote on this tax. Attorney Rausch advised that the Township can implement the tax by Resolution without it being put on the ballot as long as the millage rate does not exceed 3. Lynn Cheeseman questioned the benefit of a Fire Tax. Mrs. Gunnet explained that all funds collected must go to a fire company. Mrs. Shovlin commented that this would be a benefit to the volunteer companies. Mr. Heffner added that it is much less than having a paid company.

- G. Mr. Heffner advised that the Board has received the 2016 Building Permit Summary. They commented on how nice the spreadsheet is. Mr. Allison informed that Mrs. Miller prepares it.
- H. Purchase of recycling carts with lids and wheels - Mrs. Gunnet advised that she has provided the Board with several quotes through Costars for the purchase of 35 gallon recycling containers with lids. The lowest quote is for \$32.36. Mr. Heffner questioned how many brown bins are left. Mrs. Gunnet stated that in October, there were just over 1,000. She stated that there are no recycling grants available for the purchase.

Mrs. Gunnet expressed her concern that the containers could be broken. She added that residents are permitted to use any receptacle as long as it is clearly marked recycling. She noted that West Manchester Township purchases stickers and residents put them on their own recycling container.

Mrs. Gunnet stated that York Waste Disposal prefers recycling totes that can be picked up by the arm on the truck. Although they have these totes, they have not offered them to the Township as part of the program. Attorney Rausch commented that if it helps with their workers compensation insurance, perhaps they would consider providing them. It was the consensus of the Board for Mrs. Gunnet to meet with York Waste Disposal to discuss this option.

- I. Valley Meadows - John Adams - No response to request to increase surety - Mrs. Gunnet advised that the Township is holding approximately \$80,000 for the improvements in Valley Meadows. A letter had been sent to the developer, John Adams, requiring him to increase the surety amount to 2015 construction values. This would increase the value to approximately \$107,000. She stated that she has not heard from Mr. Adams. When a walk through inspection was done of the development last spring, it was determined that there were some major issues with a sewer main. The road also needs to be fixed. Mr. Trout commented that he is concerned that \$80,000 is not going to be enough to complete the necessary work and repairs. Mr. Allison stated that the funds are worth more now than what they will be and questioned collecting on the surety. Mrs. Gunnet advised that it is a letter of credit. After discussion, it was decided to contact Mr. Adams to inform him that if he does not post the additional surety, the Township will be collecting on the Letter of Credit.
- J. Discussion - Ballfield - Mrs. Gunnet advised that an Executive Session was held after the last meeting to discuss the possible purchase of land for a ballfield. The owner of the property was contacted but is not interested in selling.

Mrs. Gunnet stated that there may be another option for the location of a ballfield. She explained that the developer for the Meadow Creek Townhouse project off Ruppert Road, had planned to

donate land to the Township in lieu of a Recreation Fee. Although the plan is several years old, the developer's representative, Robert Holweck, has recently started working on the project again. Mr. Allison contacted him to see if he was interested in dedicating the land to the Township now. An Agreement would be put in place noting that the land was donated as part of the development. Mr. Holweck was agreeable to this. Mrs. Gunnet commented that this was planned to be the original location for a Community Center. Mr. Allison stated that funds from the Kensington development could be used to improve the property. He stated that he is planning to meet with Mr. Holweck in March.

Mr. Heffner questioned if there are any plans for commercial land adjoining this. Mr. Allison stated they are working on plans with the idea that if the infrastructure is installed, there will be interest. Mr. Heffner questioned the road realignment. Mrs. Gunnet explained that the section of Ruppert Road to be realigned would be from the creek to Cape Horn Road.

K. Mr. Heffner advised that the meeting scheduled for February 6th will be cancelled. The next meeting will be February 20th.

13. Unfinished Business - There was none.

14. 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 the section that is considered a snow emergency route for his street. Mr. Trout advised that he should not park on the blacktopped section.

15. Supervisors Comments – Mr. Heffner asked the Board if they had any comments. Neither Mrs. Shovlin nor Mr. Sechrist had any comments. Mr. Heffner did not have any either.

16. On the motion of Jo Anna Shovlin 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 7:45 p.m.

Respectfully submitted,

Jennifer L. Gunnet
Secretary

CITIZENS PRESENT

January 16, 2017

Galen Weibley
Adrianna Clinton
Vera Miller
Blaine Markel
Charlie Rexroth
Adam Keller
Christopher Kraft
Spencer Seaks
Sergeant Ken Schollenberger
Lynn & John Cheeseman

1250 Tower Road York PA
50 Chatham Lane Red Lion PA

James R. Holley & Associates
125 Elfner Road Red Lion PA
Team Ag, Inc.
C.S. Davidson, Inc.
951 Wise Avenue Red Lion PA
York Area Regional Police Department
910 Cranberry Lane York PA