

WINDSOR TOWNSHIP BOARD OF SUPERVISORS

July 20, 2015

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, Attorney Charles Rausch, John Klinedinst, Richard Resh, 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 Jo Anna Shovlin seconded by Dean Heffner, the minutes from the June 15, 2015 meeting were approved. Motion carried. Two votes yes. Mr. Sechrist abstained from voting due to not being present at the meeting.
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 letter from Richard D. Poole regarding the surety for Windsor Hills Holdings. She reminded that Mr. Poole was present at the previous meeting. Based on the decision of the Board, he compounded the security amount with a 10% increase. He is requesting to post a check to the Township to have the work completed rather than posting a bond. The new amount is \$17,864.10. Mr. Heffner questioned if it is in the best interest to accept the funds. Mrs. Gunnet noted that if Mr. Poole defaulted on the bond, that is the amount that the Township would receive. On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board approved the request to take a certified check for the surety and to have the Township complete the work. Motion carried. Three votes yes.
 - C. Mrs. Gunnet advised that she has received notification from Comcast that there will be multiple lineup changes and new double play packages.
 - D. Mrs. Gunnet advised that she has received a copy of the Audit Report for the Dallastown Volunteer Firefighters Relief Association from the Department of the Auditor General, Bureau of Fire Audits. The audit covers the period of January 1, 2012 to December 31, 2014. There were no findings and they have complied with a previous finding.
5. Windsor Township Fire & Rescue Association - Chad Arnold was present. He advised that he did not have anything to report. Mrs. Shovlin stated that letters had been drafted for both the relief association and fire department to sign in response to Felton's audit finding. She noted that the letters have not been returned to her yet.

Mrs. Gunnet advised that she is working on the newsletter and questioned the date of the Fire Prevention presentation at Windsor Commons. Mr. Arnold informed that it would be held on October 3rd.

- A. The next Fire Chief's meeting will be held on July 23rd at Station 18, Goodwill Fire Company.
- 6. York Area Regional Police Department - No one was present.
- 7. Plans for Approval:
 - A. DONALD E. & LOIS J. MYERS - Final Subdivision Plan #L-5575 by Gordon L. Brown & Associates, 2 lots along Perry, Windsor and Manor Roads - Lee Faircloth of Gordon L. Brown & Associates as well as Mr. and Mrs. Myers were present. Mr. Faircloth advised that this is a 4 lot subdivision that combines 3 farms into 2. He explained that currently there are 81 acres that are split by Windsor Road. This tract will be subdivided and be added to the farms that are already located on each side of the road.

Mr. Faircloth advised that they are requesting waivers as follows:

- 1. Section 302.2.(g) - Bearings to distances along Perry Road
- 2. Section 302.3.k - Provide existing contours at 10' intervals
- 3. Section 303.1 - Plan scale
- 4. Section 303.2.n - Lot markers for Lot 1A only
- 5. Section 406.1 - Requirement to extend/connect to public sewer within 1,000 feet of existing sanitary sewer service
- 6. Section 407.1 - Requirement to extend/connect to public water within 1,000 feet of existing water service
- 7. Section 502.2 - Cartwidth
- 8. Section 502.7 - Construction of curbs
- 9. Section 502.10 - Construction of sidewalks

Mr. Allison advised that he feels the waiver requests are not unreasonable. He noted that the one tract is preserved. Mr. Heffner commented that if the tract in the residential zone would be proposed for development at a later time, new plans would be submitted. **On the motion of Rodney Sechrist seconded by Jo Anna Shovlin, the Board approved the waivers. Motion carried. Three votes yes.**

On the motion of Dean Heffner seconded by Rodney Sechrist, the Board approved the plan. Motion carried. Three votes yes.

- B. DELTA ROAD PUMP STATION REPLACEMENT - Final Subdivision Plan #0829.6.40.00 by C.S. Davidson, Inc. - This plan was tabled.
- 8. York Area Regional Police Department - Sergeant Damon arrived. He reviewed the report for June. Mr. Heffner questioned if they have had drug issues in Windsor Acres. Sergeant Damon reported that they have had calls there.
 - A. The monthly report for May is available for review.

9. Subdivision and Land Development Ordinance Waiver:

- A. **Tana Lawrence - Windsor Acres - Lot 19 - Separation distance** - Tana Lawrence advised that they currently live in Windsor Acres and would like to purchase a larger home. However, they are unable to find a lot in which they can meet the setbacks. She stated that Lot 19 is available and she is requesting a waiver for the separation distance between homes. She commented that most of the other homes in the development do not meet the setbacks.

Mr. Allison advised that he did drive through the development and agrees that many of the homes would not meet the separation distance. He noted that the width of mobile homes have changed over the years. He noted that an 18' wide home is still considered a singlewide. Mrs. Lawrence is proposing a 16' wide home.

Attorney Rausch questioned if there are any development rules that must be followed. Mrs. Lawrence stated that there are not.

Mrs. Shovlin questioned how many other homes are placed too close to each other. Mr. Allison estimated 75% of the homes in this development would not meet the separation distance. He added that the proposed ordinance decreases the distance from 30' to 25'. Mrs. Shovlin expressed her concern about the closeness in the case of a fire. Mr. Allison noted that the setback for homes in a R-1 Zone is 10'.

On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board granted the waiver for the separation distance for Tana Lawrence on Lot 19 in Windsor Acres. Motion carried. Three votes yes.

10. Solicitor:

- A. **WINDSOR MEADOWS - Claim against bond** - Attorney Rausch advised that in 2005 Linkous Builders posted a bond for the Windsor Meadows development for approximately \$1.7 million. In 2009, they filed for bankruptcy. In 2010, the Township required surety to be posted in the amount of \$574,477. The bank then took the property back through the foreclosure process. In 2013, the Township had the stormwater trench on the property installed in the amount of \$23,000 which was provided through the bond. The balance of the security is approximately \$214,000. The owner, Stonebridge Bank, is requesting that the Township call on the bond and have the remaining work completed.

Attorney Rausch advised that he is unsure of the response that will be given by the bonding company. The bonding company would have the option to contract to have the work completed or pay the Township to have the work completed. He questioned how confident the Township is that the remaining funds will be enough to finish the work. Mr. Trout questioned if the Township would still receive a structural integrity bond. Attorney Rausch advised that we would. Mr. Allison questioned if C.S. Davidson should review the project to determine if the funds are sufficient.

Mrs. Gunnet questioned if the Township would have to bid the project. Attorney Rausch advised that it would not need to be bid if it was part of the release agreement. Mr. Klinedinst stated that he feels prevailing wages would apply if the Township was to have the work completed. The Board advised him to research to confirm this. Mr. Trout noted that Stonebridge Bank only received one quote from Springfield Contractors to have the work done.

11. Township Engineer:

- A. Cranberry Lane/Dietz Road Sewer Extension - Status Report #9, Change Order #2 - \$11,895 & Change Order #3 - (-\$10,690) - Mr. Resh advised that the excavation work started on July 10th. A preconstruction conference has been held with the York county Conservation District.

Mr. Resh advised that the main needed to be installed deeper on Dietz Road due to the location of the water main. Change Order #2 has been prepared in the amount of \$11,985.00. Mr. Resh stated that due to the changes required under Change Order #2, there are other locations than can be made shallower. In addition, the type of manhole frames has been changed from light duty to heavy duty. Change Order #3 has been prepared for this as a credit of \$10,690. On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, **the Board approved Change Order #2 and Change Order #3.** Motion carried. Three votes yes.

Mr. Resh advised that the contractor is changing their work schedule to 4 ten hour days. Attorney Rausch questioned the percentage of completion. Mr. Resh estimated it at 20% complete. He noted that Dietz Road is not holding up well. Mr. Trout noted that Dietz Road will need to be done as a project next year. Mr. Resh advised that the Capital Charges Study should be completed in August.

12. Public Works:

- A. Mr. Heffner advised that the Board has received the monthly report for July. There were no questions.
- B. Sale of **2003 Dodge Dakota** - Mrs. Gunnet advised that the bid results are attached. The high bid was **\$1,550** from a local bidder. The truck is not drivable. On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board awarded the sale to the high bidder. Motion carried. Three votes yes.
- C. Leaf loader confirmation - Mrs. Gunnet advised that the when the first self contained leaf truck was purchased there were electrical issues. She stated that based on this, she would like to keep the leaf loader for another year. The Board agreed. Mrs. Shovlin questioned if there is an estimate of how much the leaf loader is worth. Mr. Trout advised that Stephenson Equipment was going to provide him with a quote.
- D. **Wise Avenue Sewer Extension - Payment Requisition #5 - \$930.00 (Final), Chairman's Signature - Certificate of Substantial Completion & Connection time limit** - Mr. Trout advised that the final restoration has been completed. The contractor is requesting the final

payment. On the motion of Dean Heffner seconded by Rodney Sechrist, the Board approved Payment #5 in the amount of \$930. Motion carried. Three votes yes.

On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board approved for the Chairman to sign the Certificate of Substantial Completion. Motion carried. Three votes yes.

Mrs. Gunnet advised that the Ordinance states that connection is required within 60 days of notice by the Township. She asked if this is the timeframe that they would like to use. The Board advised that they would like to adhere to the 60 days.

13. Other Business:

- A. Mr. Heffner advised that the Board has received the Zoning Report for June. A copy is available for review.
- B. Mr. Heffner advised that the Board has received a copy of the Township Manager Report for June. There were no questions.
- C. Mr. Heffner advised that the Board has received a copy of the Animal Control Officer Report for June. A copy is available for review.
- D. Mr. Heffner advised that the Board has received the Transition Report for June. There were no questions.
- E. **Update - Daniel Loaiza - Trees in stormwater swale - Whisper Run** - Mr. Allison advised that he had inspected the property in the beginning of June and again last week and the trees were not relocated. He stated that a citation will be filed with the maximum penalty of \$500 requested. He explained that since the development has not been turned over to the Township for adoption, this is the only recourse we have. Mrs. Shovlin noted that the Board gave him additional time to relocate the trees so she feels the maximum fine is warranted and that he does not need a follow up letter since he was present at the Board meeting.
- F. Dates - Pre-Budget Workshop and Budget Workshop - After discussion, it was decided that the Pre-Budget Workshop will be held on October 5th at 5:00 p.m. and the Budget Workshop will be held on November 2nd at 6:00 p.m.
- G. **Return to Work Modified/Light Duty Policy - Draft** - Mrs. Gunnet advised that the Board has received a copy of the proposed Return to Work Modified/Light Duty Policy. She explained that the Township's short term disability policy only covers 26 weeks. This policy would allow employees to come back to work with modified duties. She noted that the work performed would need to be meaningful and productive and the employee would not be guaranteed a 40 hour work week. The Township does not currently have this type of policy. Currently employees may not return to work until they are 100% cleared by a doctor. Mrs. Gunnet questioned how long the Board would allow for modified/light duty work to continue. Attorney Rausch advised that he has seen policies that vary from three to six months. **It was**

the consensus of the Board to allow for a maximum of 60 days of modified/light duty work.

Mr. Sechrist questioned if the Township has an alcohol policy. Mrs. Gunnet advised that we do and are part of a consortium that does random pool testing.

- H. Mrs. Gunnet advised that the Board has received a copy of the Building Permit Summary covering January 1 to June 30, 2015. Mrs. Shovlin commented that the spreadsheet is very nice.
- I. Treasurer's Bond/Account Balances - Mrs. Gunnet advised that since the payments have been made for the Panorama Hills Pump Station, the account balances are within the bond limits.
- J. Mr. Heffner advised that the Board will recess into an Executive Session to discuss a personnel matter and negotiations.

14. Unfinished Business:

- A. **Panorama Hills Pump Station – Update & Final payment made** - Mr. Trout advised that final restorations are being made onsite. Eric Jordan with the York County Conservation District will be providing a final punchlist. Mr. Trout stated that Mr. Fitz is alleging that there is a compaction issue on his property. Mr. Fitz has agreed that if Abel tills the land it will be acceptable. Mr. Trout reported that there were some issues with the sensor at the injection vault which have now been corrected. The sulfide gas limits are within range that are going to York Township.

Mrs. Gunnet advised that the pump station has been running fine. The final payment was made and the first reimbursement payment was made in June.

- B. Mr. Heffner advised that the meeting for August 3rd has been cancelled.

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 how long the residents that are connecting to the sewer on Wise Avenue will have to fill in their septic tanks. Mrs. Gunnet advised that she will contact the Sewage Enforcement Officer to determine the timeframe and information will be in the letter that is sent to the residents.

16. Supervisors Comments – Mr. Heffner asked the Board if they had any comments. Mr. Sechrist did not have any comments.

Mrs. Shovlin stated that in June a committee meeting was held to plan for a stormwater meeting that will be held in the fall. Windsor Township will be hosting the meeting on October 29th. She thanked Kipp for his assistance with the agenda.

Mr. Heffner did not have any comments.

17. On the motion of Rodney Sechrist seconded by Jo Anna Shovlin, the bills were approved. Motion carried. Three votes yes.
18. The meeting of the Windsor Township Board of Supervisors adjourned into an Executive Session to discuss a personnel matter and negotiations at 7:13 p.m.

Respectfully submitted,

Jennifer L. Gunnet
Secretary

CITIZENS PRESENT

July 20, 2015

Vera Miller

Lee Faircloth

Mr. & Mrs. Donald Myers

Chad Arnold

Mr. & Mrs. Nathan Lawrence

Spencer Seaks

Lynn & John Cheeseman

Sergeant Tim Damon

Gordon L. Brown & Associates

820 Perry Road Red Lion PA

Windsor Township Fire & Rescue

31 Windsor Acres Windsor PA

951 Wise Avenue Red Lion PA

910 Cranberry Lane York PA

York Area Regional Police Department