

WINDSOR TOWNSHIP BOARD OF SUPERVISORS

October 19, 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 Rodney Sechrist seconded by Jo Anna Shovlin, the minutes from the September 21, 2015 and October 5, 2015 meetings 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 the Township will be hosting a MS4 Seminar sponsored by Representative Stan Saylor on Thursday, October 29th at 6:30 p.m. Both Mr. Klinedinst and Mr. Allison will be speakers.
 - C. Mrs. Gunnet advised that she has received a letter from the York County Solid Waste Authority notifying that they will be having a change in their electronics recycling collection. She explained that the Authority's contract with their collection agency expires on December 31st. The current contract provides for rebates but due to the drop in prices for commodities, the rebates will not be continued in the next contract. The Authority is asking if the Township will continue to participate in the collections. The Board agreed that they would.
 - D. Mrs. Gunnet advised that she has received a letter from the Pennsylvania Department of Transportation with the results of the traffic study that was done on Cape Horn Road regarding brake retarders. She stated that the study warrants the prohibiting of jake breaks. Mrs. Gunnet advised that she contacted both York Township and Red Lion Borough regarding the results of the study as all three municipalities meet in this location. She stated that she has not heard back from either. Mrs. Shovlin questioned if there would be a fee to the Township. Mrs. Gunnet stated that it would be for the cost of the signs and installation. Mrs. Gunnet advised that based on the drawings that were attached, PennDOT is suggesting two signs southbound on Cape Horn Road between Indian Springs Road and Spring Lane. Mrs. Shovlin stated that she thinks that we should partner with York Township. The Board tabled the topic.
 - E. Mrs. Gunnet advised that she has received letters from Kaltreider-Benfer Library, Red Lion Area Senior Center and the Red Lion Area School District thanking the Township for their donations.
 - F. Mrs. Gunnet advised that she received a letter from Wayne Markel resigning from the Emergency Management Department.

5. Windsor Township Fire & Rescue Association – Eric Myers was present. He advised that he did not have anything to report. There were no questions for him.
6. York Area Regional Police Department – Sergeant Good was present. He reviewed the September report. He noted that they have one officer in the academy and another who will be finishing training.
7. June Lloyd - Kaltreider-Benfer Library - Ms. Lloyd, on behalf of the library, thanked the Board for their continued support. She presented the Board with a sheet that highlighted statistics, noting that 43% of the Township residents have a library card. She stated that the library offers programs for people of all ages. They have computers and wifi. Ms. Lloyd noted that for the future they are looking at the feasibility of expanding the library. Mrs. Shovlin asked if they offer delivery service to seniors. Ms. Lloyd stated that she knows that the library has large print books but was unsure if they had a delivery service. She advised that she would look into this for Mrs. Shovlin. Ms. Lloyd thanked the Board again for their continued support to the Kaltreider-Benfer Library.
8. Thom Stein - Rt. 124 & Mountain Road intersection - Mr. Stein advised that he has owned the property at the corner of Rt. 124 and Mountain Road over 40 years. He stated that in conjunction with the subdivision of the property that he had approved, he was required to widen Mountain Road by four feet. He commented that he thought there was a study being done to widen the entire intersection so he had not completed the work yet. He stated that he had not obtained a report from York Area Regional Police Department but according to a resident in this area, there have been half a dozen accidents this summer. Mrs. Shovlin stated that she researched the accident data and there was only one reportable accident in which a vehicle had struck a home.

Mr. Stein questioned why the road is only required to be widened on his side of Mountain Road. Mrs. Gunnet stated that she does not believe that the Township has additional right-of-way to make improvements on the other side of the road. Mr. Trout added that once Mr. Stein completes the road widening he is required to do, the road could possibly be realigned to center it. Mrs. Shovlin noted that PennDOT does not have any plans to widen East Prospect Road in this location and even if it was requested and approved it would likely be several years out on their schedule.

9. **Skip Missimer - Red Lion Municipal Authority - Stormwater project partnership** - Mr. Missimer advised that as part of the Authority's Source Water Protection Program, they are trying to reduce pollutants into the water treatment plant which helps to reduce operating costs and therefore keeps the billing rates lower for the residents. He advised that the entire Milner Heights development flows directly into their watershed. As an opportunity to work with the Township, he stated that they are pursuing interest from the Board into the possibility of repairing the large detention basin between Overview Circle West and Freysville Road. This would help to meet MS4 requirements as well. He explained that they are looking to do a feasibility study for the improvements and they estimate the cost to be between \$3,000 and \$5,000. They are proposing a 50/50 split between the Authority and the Township.

Mr. Heffner questioned why they chose this basin. He commented that the Township had already made some improvements to this basin. Mr. Missimer advised that he and Mr. Allison toured the

basin and felt that there is the opportunity for improvements. He added that 80% of the stormwater from the development flows to this pond. Mr. Allison stated that this basin is older, larger and had the most potential. Mr. Missimer noted that the study could state that it is not warranted.

Mr. Trout questioned if the improvements would be focused on the outfall structure. Mr. Allison advised that the feasibility study would determine this. Mrs. Shovlin questioned what type of grants would be available for the work. Mr. Missimer stated that they vary. He stated that there are some full grants and some that are 80/20 split. He advised that the Municipal Authority and the Township would need to enter into an agreement.

Attorney Rausch questioned if this is a privately owned basin. Mr. Allison advised that it is. He stated that he did speak with the owner. He commented that in the past the basin has been a burden to the owner. Attorney Rausch asked if the Township needs to obtain permission from the owner for the study. Mr. Allison noted that the subdivision plan allows for the Township to have the study performed. Mrs. Shovlin stated that having the study performed would be a benefit to the owner and the Township could choose not to proceed if desired.

On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board approved for a feasibility study to be performed on the detention basin located between Overview Circle West and Freysville Road with the cost to be split in half between the Township and the Red Lion Municipal Authority with the outcome of the study to determine future interest for improvements. Motion carried. Three votes yes.

10. **Amended & Restated Host Community Agreement & Collection Agreement** - Attorney Michael Davis advised that it was a lengthy negotiation between the Township and representatives from Republic Services. He stated that the Township had presented them with a wish list and he is happy to report that many of the items were included in the agreement. He highlighted some of the benefits of the agreement noting that the Host Fees will now be calculated using a blended rate, \$850,000 toward a Community Center will be given over a 3 year period, free trash, large item pickup and recycling collection will be provided to the residents, a reduction in the cost to the York County Solid Waste Authority will be given in conjunction with the expansion of the landfill in Lower Windsor Township, free roadside debris drop off will be included for the Township, free street sweeping service and funds toward road maintenance will be provided. He noted that the landfill will not be able to accept hazardous waste. The Agreement will remain in place for at least 7 years even if the landfill were to close prior to that.

Attorney Davis stated that he felt this was a smooth process and he enjoyed working with Mrs. Shovlin, Mrs. Gunnet and the representatives from Republic Services. He advised that Republic Services has signed the agreement. Attorney Rausch questioned if these Agreements replace the prior one. Attorney Davis advised that they do.

Mrs. Shovlin thanked Mrs. Gunnet and Mr. Davis for their good work.

Mr. Heffner questioned if Republic Services would need to come before the Township if they plan to expand the landfill. Attorney Davis advised that this Agreement acknowledges that they will be pursuing an expansion in Lower Windsor Township.

A. Resolution #2015R-10-01 - On the motion of Dean Heffner seconded by Rodney Sechrist, the Board approved the Resolution to authorize the Chairman to sign the agreements. Motion carried. Three votes yes.

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

12. Township Engineer:

A. Cranberry Lane/Dietz Road Sewer Extension - Status Report #12, PactOne Payment Application #3 (final) - \$77,185.51, Change Order #4 - \$35,410.50 and Hookup time line - Mr. Resh advised that the Board has received a copy of Status Report #12. He stated that a final inspection was completed on October 9th. A punch list was created which was mostly for surface restoration and the contractor was working onsite today.

Mr. Resh advised that PactOne has requested their final payment and he is recommending the Board approve the release but hold the check until they correct some outstanding administrative issues.

Mr. Resh advised that the actual material quantity was 4.1% higher than bid and Change Order #4 in the amount of \$35,410.50 has been prepared. Mr. Klinedinst noted that since the project took less time to complete than anticipated, the Township will see a savings of approximately \$50,000 in engineering fees. So although the construction expenses were higher, the project will see a savings.

On the motion of Dean Heffner seconded by Jo Anna Shovlin, the Board approved the final payment and Change Order #4. Motion carried. Three votes yes.

Mr. Resh advised that letters were sent to the property owners on October 14th giving them 90 days to connect. Due to the time of year, he questioned if the Board was interested in extending the timeframe. Mrs. Gunnet suggested requiring them to have a legitimate reason why they are not able to connect within the required timeframe. **It was decided that the 90 day requirement would be maintained and when the timeframe expires it would be addressed as to why the owner could not comply.**

B. Surety Reduction - Whisper Run, Phase I - Mr. Klinedinst advised that when reviewing surety reduction requests, he certifies the value of the work remaining based on the current value rate. If the amount that is being held is more than that required, a reduction is granted. He noted that he calculates the work value based on prevailing wage rates. Mr. Klinedinst stated that the developer of Whisper Run has requested a reduction and he is recommending a release of \$1,110.33 to bring the balance held to \$175,079. He noted that if the developer does not agree with the figures, a third party engineer can be used to mediate a figure. On the motion of Dean

Heffner seconded by Rodney Sechrist, the Board approved the security reduction for Whisper Run, Phase I in the amount of \$1,110.33. Motion carried. Three votes yes.

13. Public Works:

- A. Mr. Heffner advised that the Board has received the monthly report for October. There were no questions.
- B. **Contracted Trucks with Snow Plows - Bid results** - Mrs. Gunnet advised there was only one bidder. The bid was submitted by All Season Lawn & Landscaping. They were the contractor for the 2014-2015 winter and their bid is in the same amount. **On the motion of Dean Heffner seconded by Jo Anna Shovlin, the Board awarded the bid to All Season Lawn & Landscaping. Motion carried. Three votes yes.**
- C. **Longstown intersection update** - Mrs. Gunnet advised that the temporary paving will be completed this fall and the final paving will be done in the spring. The project is slated for completion at the end of July 2016. PennDOT will provide snow removal this winter on Natalie Lane.
- D. **Sale of 1994 L-8000 dump truck** – Mrs. Gunnet advised that the truck will be put on Municibid.

14. Other Business:

- A. Mr. Heffner advised that the Board has received the Zoning Report for September. There were no questions.
- B. Mr. Heffner advised that the Board has received a copy of the Township Manager Report for September. There were no questions.
- C. Mr. Heffner advised that the Board has received a copy of the Animal Control Officer Report for September. There were no questions.
- D. Mr. Heffner advised that the Board has received the Transition Report for September. There were no questions.
- E. 2016 Health Care Premiums - Mrs. Gunnet advised that the Township will have a 4% increase in the health care premium for 2016. This is lower than the cooperative's average increase of 5.8%. She stated that she had presented the account manager with a request to see how changes to the co-pay structure could affect the premium. Unfortunately he was unable to provide the information prior to the meeting.
- F. General Fund – Mrs. Gunnet advised that Metro Bank has been bought out and she is requesting that the Board consider moving the General Fund operating account to Peoples Bank. Currently we have approximately 1,000 checks. Peoples Bank is willing to pay for these checks to have us switch banks. She noted that the Township currently has a remote deposit scanner from Peoples

Bank which they provide at no charge. Metro Bank charges for this service. Mrs. Gunnet noted that the State Fund and Fire Hydrant Fund would remain at Metro Bank. Mrs. Shovlin questioned if the signature cards would need to be changed. Mrs. Gunnet stated that they would not. **On the motion of Rodney Sechrist seconded by Dean Heffner, the Board approved changing the General Fund from Metro Bank to Peoples Bank with the condition that they pay for the checks. Motion carried. Three votes yes.**

G. **Windsor Area Recreation Commission - 2016 Budget** - Mrs. Gunnet advised that Windsor Area Recreation Commission is proposing a 1.5% increase.

H. Mr. Heffner advised that the regular meeting for Monday, November 2nd will be cancelled and a Budget Workshop will be held in its place at 6:00 p.m.

I. Mr. Heffner advised that an Executive Session will be held after the meeting to discuss possible land purchase and a personnel matter.

15. Unfinished Business:

A. Shawnee Manor - Surety & Street adoption - Mrs. Gunnet stated that at the previous meeting Attorney Malone had presented the Board with a request to allow for the adoption of a development prior to 95% completion. Mr. Klinedinst advised that having 95% completion in a development is not his first concern. He is more concerned about paving a street before the base fails. Mr. Trout questioned if we could hold a bond for potential repairs if a permit for a new home is pulled for a lot after the street has been adopted. He explained that there have been cases in the past when the builder damages the improvements but the developer is responsible for the repairs. Attorney Rausch advised that it could not be done in the form of a bond. Mr. Klinedinst suggested collecting an escrow at the time of Building Permit pickup. He added that the structural integrity bond for the development will remain in place for 18 months after adoption. Attorney Rausch noted that if this were done, the fee schedule would need to be revised.

Mrs. Gunnet noted that Attorney Malone also questioned if it is necessary to hold security for the installation of a tree and street light. Mr. Klinedinst recommended that this be handled as part of the Building Permit process. The Board agreed that moving forward, security would not be held for trees and street lights.

Mr. Allison advised that it would need to be determined how to handle the posting of an escrow. He added that an NPDES permit covers an entire development and the York County Conservation District will not sign off until the work is completed. Mr. Klinedinst agreed that the Township will always continue to hold money for stormwater controls. He stated that he is most concerned with the adoption of the streets as they will be Township owned infrastructure. He recommended that the Board assess the requests on a case by case basis.

16. Public Comment – Mr. Heffner noted that if speakers do not wish to have their address recorded, they must state this when speaking. There was none.

17. Supervisors Comments – Mr. Heffner asked the Board if they had any questions. Mrs. Shovlin asked Mrs. Gunnet to send a letter to Attorney Davis thanking him for his services and a job well done.

Neither Mr. Sechrist nor Mr. Heffner had any comments.

18. On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the bills were approved. Motion carried. Three votes yes.

19. The meeting recessed into an Executive Session to discuss possible land purchase and a personnel matter at 7:28 p.m.

20. The meeting reconvened at 8:06 p.m.

21. On the motion of Rodney Sechrist seconded by Jo Anna Shovlin, the Chairman, Solicitor and the Township Manager were authorized to attend the public auction for lands owned by Mark Sowers and bid up to the limit discussed during the Executive Session. Motion carried. Three votes yes.

21. The meeting of the Windsor Township Board of Supervisors adjourned at 8:07 p.m.

Respectfully submitted,

Jennifer L. Gunnet
Secretary

CITIZENS PRESENT

October 19, 2015

Eric Myers
Skip Missimer
June Lloyd
Thom Stein
Spencer Seaks
Sergeant Joel Good
Attorney Michael Davis

Windsor Twp EMA/Fire & Rescue Assoc.
Red Lion Municipal Authority
Kaltreider-Benfer Library
Meadow Road York PA
951 Wise Avenue, Red Lion PA
York Area Regional Police Department
Barley Snyder, Attorneys at Law