

## WINDSOR TOWNSHIP BOARD OF SUPERVISORS

January 20, 2014

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, Philip Brath, 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 Rodney Sechrist, the minutes from the January 6, 2014 and January 15, 2014 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 she has received a letter from PennDOT in response to the request for a traffic study for the speed limit on Burkholder Road. PennDOT has performed the study and has determined that the existing 40 mph limit is justified and are not recommending any changes. She stated that she will send a letter to the person that had requested that a study be performed.

C. Mrs. Gunnet advised that the Township has received notification from Comcast that they will be realigning different channels within packages. She stated that the information is available for review.

5. **Keystone Custom Homes – Kensington – Approval of concept for next phase** – Mark Johnson from RGS Associates and Kate McDonald from Keystone Custom Homes were present. Mrs. Gunnet advised that the Board has received a copy of the drawing that was presented at the Planning Commission meeting. Mr. Johnson stated that he has a revised copy to share this evening. He explained that they are interested in changing the phasing of the Kensington Phase II & III Preliminary Subdivision Plan. He stated that they would like to change Phase II to include all of the lots that have existing road frontage. Phase III would encompass the balance of the 79 acre tract. He commented that he is aware that there are still outstanding issues which include walls, grading, sewer capacity and the recreation field. He noted that the road frontage lots will not change, however, the interior lots may. Sunbury Way, Dietz Road extended and portions of Rosewater Drive are already constructed.

Mr. Johnson advised that they would provide bonding for construction of the recreation field and associated parking. They would also not use any approval from the Board as a way to later ask for more relief. He noted that the Windsor Township Planning Commission did recommend approval with conditions. The conditions include that the number of lots may not increase over the 227 proposed, Rosewater Drive must be completed, a turning lane must be installed on Windsor Road

at Ness Road and the number of lots in Phase II would be decreased to 36 due to the maximum number permitted to access a cul-de-sac.

Mr. Heffner questioned when they propose to widen Windsor Road and install the recreation field. Mr. Johnson stated that these road frontage lots would be completed prior to the field being installed. He added that he does not have a specific timeframe for the construction of the turning lane but it would be within a short time after plan approval. Mrs. Gunnet noted that these items could be made part of the Developer's Agreement. Mr. Allison added that the property owners that are affected by the installation of turning lane are aware of the proposed construction. Mrs. Gunnet explained that the Township will be responsible for the permitting, Keystone Custom Homes will complete the improvements and the Red Lion Area School District will reimburse for a portion of the cost.

Mr. Allison advised that although Mr. Johnson had mentioned it, the posting of funds for the recreation field was also a condition of approval from the Planning Commission. Attorney Rausch questioned what the Letter of Credit would bond. Mr. Johnson stated that it would include the field, parking and storm water controls. He added that they would estimate high for the bond amount. Mrs. Gunnet advised that although the field would not be part of Phase II, it would ensure that it would be installed. Mr. Allison added that the engineering fees associated with designing the field should also be included should the Township have to do the work.

**On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board approved the realignment of the phases for Kensington, Phases II and III with the condition that the comments from the Windsor Township Planning Commission are complied with, a Letter of Credit is posted and a Developer's Agreement is approved. Motion carried. Three votes yes.**

6. Solicitor – Attorney Rausch advised that he did not have anything to report.
7. Township Engineer:
  - A. Mr. Brath advised that he has received payment application #9 in the amount of \$8,451.39 for the Manor Road, Freysville Road and East Prospect Road generator replacement project. He stated that funds are still being held in excess of \$30,500 to complete the work. He noted that they are behind schedule but are still moving forward. Mr. Trout advised that he would like to finalize the project under one last payment application. Mr. Brath agreed to this. On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board approved payment application #9. Motion carried. Three votes yes.
  - B. Mr. Brath introduced his co-worker, Mark Harman, to the Board. Mr. Harman advised that he will be working with Mr. Brath on the transition. He apologized for the need for the transition noting that due to the death of a member of their staff, the company became unstable in some areas. He stated that this has been corrected and assured the Board that they are moving forward in a positive direction. He commented that he felt like there was a lack of dialogue on some projects and they will be implementing monthly, if not more frequent, transition reports.

- C. Mr. Brath advised that he has sent out the advertisement for bids for the Pleasant Grove Road/Zimmerman Road generator replacement project. A mandatory pre-bid meeting will be held on January 29<sup>th</sup> at 10:00 a.m. and the bids will be open on February 20<sup>th</sup> at 1:00 p.m.

8. Public Works:

- A. Mr. Trout advised that the Board has received the monthly report for January. They did not have any questions.
- B. Mrs. Gunnet advised that authorization is needed from the Board for Attorney Rausch to prepare an agreement with Springettsbury Township for the elimination of the Beaverson pump station. It was the consensus of the Board for Attorney Rausch to proceed.

9. 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 the 2013 Building Permit Summary. A copy is available for review.
- C. Modern Landfill – Accept Hazardous Waste? – Mrs. Gunnet advised that at the last negotiation meeting with Modern Landfill, they proposed to change the wording within the Agreement to allow for the collection of hazardous waste. She noted that the current Agreement does not allow them to accept hazardous waste. She stated that the agreement would be worded “If, after the effective date of this Agreement, the landfill is permitted by the PADEP to receive Hazardous Waste or regulated medical waste, the parties will negotiate in good faith on a commercially reasonable host fee for that waste”.

Mrs. Shovlin advised that she does not feel comfortable with the change. Mr. Sechrist questioned if they would still be permitted to accept hazardous waste if PennDEP granted their approval. Mrs. Gunnet advised that the Township’s Host Municipal Agreement overrules PennDEP’s approval. Attorney Rausch questioned why they now want to accept this type of waste. Mrs. Shovlin stated that they had explained that they were proposing this new language elsewhere also. **It was the consensus of the Board to not allow Modern Landfill to accept hazardous waste.**

- D. Cell phone upgrade – Mrs. Gunnet advised that the Board has received information on text and data cell phone plans from both Verizon and AT&T. She stated that the cost for the plans is comparable but there are differences. She gave a description on what is provided with each plan. Mrs. Shovlin commented that what she likes about the AT&T plan is that there is no contract. She questioned what service the Township currently has. Mrs. Gunnet advised that we have AT&T and have had no issues. There will be a total of 6 phones on the plan. **It was the consensus of the Board for Mrs. Gunnet to pursue a plan with AT&T.**

- E. Mrs. Gunnet advised that due to the County's CAD system upgrade, Yoe Fire Company needs to update their Box Alarms. On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board approved the changes. Motion carried. Three votes yes.
- F. Mrs. Gunnet advised that the Board has received a copy of a quote for two computers from Quality. On the motion of Jo Anna Shovlin seconded by Dean Heffner, the Board approved the purchase of the computers. Motion carried. Two votes yes. Mr. Sechrist abstained from voting due to a personal conflict.
- G. Reduction of Security for Sewer Capacity – Mrs. Gunnet advised that the previous Sewer Ordinance requires that in January of each year a reduction be made for the security posted for sewer capacity based on the number of permits that were picked up in the previous year. The reductions are as follows:
1. Windsor Meadows – Reduce by \$6,000 to leave a balance of \$6,000
  2. Stapleton/Kensington – Reduce by \$7,945 to leave a balance of \$6,810
- On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board approved the reductions. Motion carried. Three votes yes.
- H. OLDS update – Mrs. Gunnet advised that letters have been sent to the property owners in District 2. The Township filed 93 citations against property owners in District 1 for noncompliance. Mr. Allison noted that the Township wants compliance and is recommending that each property owner that has received a citation request a hearing with the District Magistrate. This will allow for the opportunity to have the fine reduced if they come into compliance. It will still be the responsibility of those cited to pay the filing fees as it is not fair to pass this cost onto the residents of the County. Mr. Heffner questioned if the total of the citation is comparable to the cost for the pumping. Mr. Allison stated that depending upon what may be needed to comply with the Ordinance, it is likely that the fine would be less. Mr. Heffner questioned what happens if someone does not comply. Mr. Allison stated that because it is a non traffic citation, a warrant would be out for their arrest.
- I. Electronics recycling – Mrs. Gunnet advised that currently the Township only holds one electronics recycling collection per year. She questioned if the Board would like to reconsider holding additional events. She explained that there were several municipalities that held collections that were open to the public but are now changing to only permit residents to participate. She noted that the Township does receive funds for the recyclables. The Township received \$561 from last year's event. Mrs. Gunnet suggested holding the event in conjunction with Woody Waste collection so that there are not additional overtime hours. She stated that she could also contact the Boy Scout troop that usually assists to see if they would be interested in helping with another collection. **It was the consensus of the Board to hold two collections per year with the Boy Scouts assisting.**

- J. York Adams Tax Bureau – Alternate – Mrs. Gunnet advised that at the Reorganizational meeting, the Board had appointed her as the representative to the York Adams Tax Bureau but did not appoint an alternate. She stated that she has spoken with Mrs. Coble and she is willing to serve as the alternate. **On the motion of Dean Heffner seconded by Jo Anna Shovlin, Mrs. Coble was appointed as the alternate to the York Adams Tax Bureau. Motion carried. Three votes yes.**

Mrs. Gunnet added that Red Lion Borough has also requested that she be their representative since she would already be in attendance. Red Lion Borough's manager would be their alternate.

- K. Resolutions to Accept Offer of Dedication of Right-of-Way –  
Resolution No. 2014R-01-04 - Thomas E. & Susan D. Ferguson - Delta Rd.  
Resolution No. 2014R-01-05 - William N. & Laura S. Fay - White Oak Rd.  
Resolution No. 2014R-01-06 - William H. & Marjorie A. Dietz - Freysville Rd.  
Resolution No. 2014R-01-07 - William H. & Marjorie A. Dietz - East Prospect Rd.  
Resolution No. 2014R-01-08 - Shadow Ridge - Blacksmith Rd.  
Resolution No. 2014R-01-09 - Shadow Ridge - Burkholder Rd.  
Resolution No. 2014R-01-10 - Shadow Ridge - Bahn's Mill Rd.

Mrs. Gunnet advised that each year, the Township accepts the right-of-way that was offered for dedication on subdivision and land development plans that were approved in the previous year. **On the motion of Dean Heffner seconded by Jo Anna Shovlin, the Board approved the Resolutions to accept the right-of-ways. Motion carried. Three votes yes.**

- L. Mrs. Gunnet advised that the Letter of Credit that is posted for the improvements for Whisper Run, Phase II is an auto renewal. The letter of credit expires on February 17<sup>th</sup>. Typically the auto renewal happens just a few days before the expiration. She stated that she is requesting authorization to collect on it if it is not renewed. On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, authorization was granted. Motion carried. Three votes yes.

10. Unfinished Business:

- A. Panorama Hills Pump Station – Robert Holweck advised that the Board has received copies of the three bids that were received for the Panorama Hills Pump Station project. The bidders were Abel Construction, Kinsley Construction and Comer Construction. He noted that James Holley & Associates reviewed the bids with him. The line items vary in cost but the totals are close. The bid for Abel Construction is \$6,608,000, Kinsley Construction is \$6,711,000 and Comer Construction is \$7,800,000. Mr. Holweck advised that there are several items that are set up with allowances. This will allow for the actual cost to be paid rather than have a change order. The allowance for rock is \$500,000. The electric and phone allowance is \$100,000 and the inspection allowance is \$200,000.

Mr. Holweck commented that the bids seem straight forward. The Township has worked with both Abel Construction and Kinsley Construction in the past. He noted that both companies will use some subcontractors and York Township will use Gannett Flemming for inspections in their Township.

Mr. Holweck asked Attorney Rausch to provide an update on the right-of-ways. Attorney Rausch advised that he has still not heard back from Mr. Dobrinoff's attorney regarding the appraisal to justify their request. He noted that the easement area will need to be adjusted. A release is needed from the Taylor and Enfield mortgage companies.

Mr. Holweck advised that trees are being removed on Freysville Road from the proposed pump station location to East Prospect Road. PennDOT denied the original Highway Occupancy Permit application due to limited site distance due to the trees.

Mrs. Gunnet advised that when the Board is considering the bids, it must be noted that there have already been engineering, attorney and other fees paid that must be reimbursed. It was estimated that these fees are in the ballpark of \$800,000. With the agreement for this project, only conveyance fees would need to be paid by the developer. Also the number of EDUs that the developer will be needing for his projects have decreased. This means that the Township's share will be larger than originally anticipated.

Mr. Holweck noted that there are timelines that will need to be worked with for the golf course and Fitz's. He recommended that the Board approve his recommendation to award the bid to Abel Construction. **On the motion of Rodney Sechrist seconded by Jo Anna Shovlin, the Board accepted Mr. Holweck's recommendation to award the bid to Abel Construction. Motion carried. Three votes yes.**

- B. Proposed change to meeting schedule – February 3<sup>rd</sup> – Mrs. Gunnet asked Mr. Holweck if he would have anything that may need Board approval at this meeting. After discussion it was determined that there would not be any necessary approvals. It was the consensus of the Board to cancel the February 3<sup>rd</sup> meeting.
  - C. Alcohol referendum – Mrs. Gunnet stated that this had been discussed at the January 15<sup>th</sup> meeting and she has received additional information. She reported that the last time this was on the ballot was in 2005. She stated that it may only be placed on the primary election ballot in the same year as a municipal election. This means that the soonest it could be on the ballot would be 2015. A petition is required to be signed by 25% of the votes cast in the 2014 general election. She stated that this topic can be revisited after that election.
11. 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.
  12. Supervisors Comments – Mr. Heffner asked the Board if they had any questions. Neither Mrs. Shovlin nor Mr. Sechrist had any. Mr. Heffner did not have any comments either.

13. On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the bills were approved. Motion carried. Three votes yes.
14. The meeting of the Windsor Township Board of Supervisors adjourned at 7:22 p.m.

Respectfully submitted,

Jennifer L. Gunnet  
Secretary

CITIZENS PRESENT

January 20, 2014

Vera Miller  
Mark Harman  
Robert Holweck  
Eric Barley  
Kate McDonald  
Mark Johnson

ARRO Consulting  
Edgewood MD  
21 Friar Drive York PA  
Keystone Custom Homes  
RGS Associates