

WINDSOR TOWNSHIP BOARD OF SUPERVISORS

February 16, 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 Rodney Sechrist, the minutes from the January 19, 2015 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 to the Yorkana Volunteer Fire Company's annual appreciation dinner which will be held on March 21, 2015. She asked the Board to let her know if they will be attending so she can RSVP.
 - C. Mrs. Gunnet advised that she has received an invitation to the Yoe Fire Company and York Regional Emergency Medical Services annual appreciation dinner which will be held on March 28, 2015. She asked the Board to let her know if they will be attending so she can RSVP.
 - D. Mrs. Gunnet advised that she has received the 2014 Real Estate Market Report from the Realtors Association of York and Adams Counties. The Board has received a copy of the summary for the Township. It provides a breakdown of the types of homes sold within the Township. The number of homes sold was comparable from 2013 to 2014.
5. Windsor Township Fire & Rescue Association - Eric Myers was present. He advised that the meeting will be held every other month beginning in March. The next meeting will be March 26th at Yorkana.
 - A. Laurel Fire Company - Exemption from soliciting hours - Monday through Friday - Mrs. Gunnet advised the Board previously granted an exemption from the Solicitation Ordinance for the photography company running a fundraiser for the fire company waiving the permit extension fee. They are now requesting an exemption from the timeframe permitted to solicit. The Ordinance permits soliciting until 6:00 p.m. and they would like to have the timeframe extended until 7:30 p.m., Monday through Friday. **It was the consensus of the Board to grant the exemption.**
 - B. Mr. Myers stated that PennDOT will be giving a tour of their traffic center on March 21st. He noted that the Township will receive a memo regarding this.

6. York Area Regional Police Department - Sergeant Damon was present He reviewed the monthly report. There were no questions for him.

A. The monthly report for December is available for review.

7. Presentation of Plaque - Jeffrey Bryan - Mrs. Gunnet advised that Mr. Bryan served on the Zoning Hearing Board for 13 years. He was presented with a plaque of appreciation for his service to the Township.

Mr. Bryan thanked the Board for allowing him the opportunity to serve the Township. He stated that it was a privilege to serve although it was trying and difficult at times. He encouraged everyone to get involved. He commented that the Township is well organized and does a super job of managing finances.

8. Barry Hivner - Exemption from perc tests costs - Mrs. Gunnet explained that Mr. Hivner had purchased two lots off Newcomer Road in 1988. At the time of the subdivision, the Sewage Enforcement Officer was Barry Sweitzer. Subsequently Mr. Sweitzer was decertified by PennDEP. In 1991, the Board had agreed to pay for retesting done on lots that were previously approved by Mr. Sweitzer after January 1988. In 2000, the Board decided that since ten years had passed and new perc testing would be required, they would no longer pay for the retesting. Mr. Hiver is requesting that the Board reconsider paying for the cost for his lots to be retested.

Mr. Hiver stated that when these lots were subdivided both lots were approved for systems. He commented that when he had contacted the Township years back he was told that there was not a prescribed time in which he had to have the perc redone.

The Board questioned how many other properties could be in the same situation. Mrs. Gunnet stated that she does not have any idea. Mrs. Shovlin questioned what the cost is for the testing. Mrs. Gunnet advised that it is \$450 per lot. After discussion, the Board felt that it would be fair to pay a portion of the cost since the Township's Sewage Enforcement Officer had been decertified. **On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board agreed to pay \$250 per lot. Motion carried. Three votes yes.** Mr. Hivner thanked the Board.

9. Richard Paul, Sr. - Exemption from installing access manhole for OLDS - Mrs. Gunnet advised that the Board has received a memo from Mr. Allison. Mr. Allison explained that Mr. Paul had obtained a building permit for an addition and has received an occupancy permit. When the addition was constructed, the septic tank was located under the garage floor. He has had the system pumped but there is only a 4" cleanout. It is unknown how much of the garage floor would need to be cut to install the required access manhole and there is concern of the closeness of the tank to the footers. Mr. Paul stated that he wants to resolve the issue as he has received a citation and requested exemption from installing the access manhole.

Mr. Heffner commented that he agrees with Mr. Allison's position that if any future repairs are required, then he would need to comply at that time. The Board agreed. **On the motion of Dean Heffner seconded by Rodney Sechrist, the Board granted an exemption of the OLDS**

Ordinance of installing an access manhole to Richard Paul, Sr., 313 Pleasant Corner Court, with the condition that if any future repairs are necessary the access manhole may be required by the Sewage Enforcement Officer and the exemption would be void. Motion carried. Three votes yes.

10. **William Kuehne - 2600 Windsor Road - Reduction in sewer liens** - Mrs. Gunnet advised that Mr. Kuehne purchased the property in July of 2013. He did not live at the property and the water had been turned off until November of 2014. She noted that she has confirmed that the water was off. She stated that there have been 3 sewer liens filed against the property. She added that five invoices, three non-payment notifications and copies of the three liens were all mailed to the property and none had been returned. Mr. Kuehne is requesting that the Board reduce or remove the liens.

Mrs. Shovlin questioned if Mr. Kuehne notified the Township that the property was vacant. Mr. Kuehne stated that he did not notify the Township. He stated that when he purchased the property, he had a conversation with a Windsor Borough employee who informed him to contact the Borough when he was ready to have the water restored. Mr. Kuehne advised that he was unaware that the property received sewer service from the Township. He noted that he was informed of the liens filed against the property when he came into the office for other reasons.

Mrs. Shovlin noted that it is the responsibility of the property owner to notify the Township that the property is vacant and if there is a change of address. She questioned if he was checking the mailbox. Mr. Kuehne stated that he had checked it once and it was filled with junk mail. He added that other bills were being mailed to his home. Mr. Kuehne commented that he thought the water and sewer services were on the same invoice.

Mrs. Shovlin advised that she does not feel that the liens should be withdrawn but has no issue setting up a payment plan. Mr. Kuehne stated that he does not feel that this is fair as he was not using the service. Mrs. Shovlin reiterated that the property owner is still responsible for notifying the Township.

It was the consensus of the Board to not reduce or remove the sewer liens.

11. Emergency Management:

- A. 2014-2015 Municipal Program Review - Mr. Fromm thanked the Board for attending the review with Mr. James. He stated that he put a report together after the meeting for the Board to review. Mrs. Shovlin commented that Mr. James was very impressed with the Township's program. She thanked him and his staff for the time and effort they volunteer. Mr. Heffner stated that he had an opportunity to review some of the information that Mr. Fromm had provides regarding an evacuation and he does not feel that he needs to proceed any further as the State or County would handle large events.
- B. Mr. Fromm advised that the Board has received a copy of the minutes from the January 28th staff meeting. The next meeting will be held on February 18th.

- C. Mr. Fromm advised that Mr. Sechrist, one of his staff members and he attended a training seminar for elected officials. He commented that of the 20 attendees, 3 were from the Township.
- D. Mr. Fromm advised that he is working on a list identifying public facilities that could be affected by a disaster.
- E. Mr. Fromm stated that he is working on obtaining all of the Emergency Operations Plans for the daycares and group homes located in the Township.
- F. Mr. Fromm advised that there will be a tabletop exercise on March 14th at 9:00 a.m. There will be 12 people participating.
- G. Mr. Fromm advised that he gave a presentation at the Red Lion Senior Center. He stated that it was well accepted and 35 people attended.

12. Solicitor:

- A. **Ordinance #2015-02-01 - Intergovernmental Cooperation for the York County Regional Chesapeake Bay Pollutant Reduction Plan & Intergovernmental Cooperation Agreement - York County Regional Chesapeake Bay Pollutant Reduction Plan -** Attorney Rausch advised that the Ordinance has been advertised for adoption. He reminded that the Ordinance was previously adopted but was not approved by PennDEP within the prescribed timeframe and needed to be readopted. The Intergovernmental Cooperation Agreement is also required. **On the motion of Dean Heffner seconded by Rodney Sechrist, the Board approved the Ordinance and Intergovernmental Agreement. Motion carried. Three votes yes.**

13. Township Engineer:

- A. Phase Out - Windsor Manor Pump Station - Richard Resh advised that he has reviewed the proposed Walnut Creek subdivision plan to determine the possibility of eliminating the Windsor Manor Pump Station. He stated that currently the pump station flows from Windsor Road to the Kendale Pump Station. He explained that if the station would be removed, the flow would go to the Windsor Borough pump station. A sketch was provided to the Board with three different options. He noted that the Windsor Manor pump station property is not adjacent to the Walnut Creek development.

He reported that he did contact John Runge, the Engineer for the Borough. He advised that they had not completed any capacity studies at this point. He noted that the Township could request to be added onto the study to verify that there is capacity at the Windsor Borough Pump Station.

Jim Breyer, 125A North Camp Street, advised that his mother's property is in this area and questioned the location of the sewer line if it was rerouted. Mr. Resh showed him the sketch.

Mr. Heffner questioned which route he would recommend. Mr. Resh stated that he would recommend the shortest route and added that this would also be beneficial because it appears it would be completed as part of the Phase I of the Walnut Creek subdivision. The Board advised Mr. Resh to look into obtaining capacity calculations.

- B. Cranberry Lane/Dietz Road Sewer Extension - Status Report #4, Reuse of septic tank & Modern Landfill - excavation material - Mr. Resh advised that they have worked on a revised design for the sewer line between 900 and 902 Cranberry Lane to access 785 Dietz Road. He stated that they have also updated the documents to require heavy duty frames and covers in paved areas. There will be 3 easements that will be required to be obtained. The information has been sent to Attorney Rausch. The bid opening is scheduled for April 15th. A cost estimate will be provided next month along with a draft letter for the residents.

Carol Kraft stated that they are agreeable to the revised plans but they have not had a chance to meet with their neighbors. She questioned the cost and if the Township is offering loans. Mrs. Gunnet explained the cost that the homeowners are responsible for and added that the Township will not be offering loans.

Mrs. Gunnet advised that she contacted PennDEP regarding the reuse of the septic tanks. She was informed that there is no way to completely disinfect the tanks and they recommend that they not be used for this purpose. Mr. Resh added that the sizing would also need to be looked at to see how much water could be connected to it. It was the consensus of the Board that the tanks would need to be disconnected and could not be reused for stormwater collection.

Mr. Resh advised that Modern Landfill has agreed to accept the excavated dirt and will remove the material from the site. Modern will need to be added to the subcontractor list and as an insurance holder.

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

- C. **Security Reduction - Rosebrook II** - Mr. Klinedinst advised that C.S. Davidson has performed an inspection of the site and determined that the only outstanding item is the installation of a sidewalk on Lot 6. The estimate for the installation is \$1,870. However, the Township is permitted to retain 10% of the original amount of the security which would be \$136,199.45. He stated that he would recommend keeping the larger amount.

Robert Holweck advised that his brother owns the lot and it is for sale. He stated that he is willing to post \$2,500 cash to put in escrow so that the bond can be released. He noted that he would sign an agreement providing a timeframe for the installation as well.

Mr. Heffner stated that he would prefer to have the sidewalk installed now. Mr. Allison noted that this could cause a problem when dealing with snow removal. He stated that Mr.

Holweck's brother does not live in the area and would ultimately be responsible for the sidewalk.

Attorney Rausch asked Mr. Holweck how he envisioned the handling of the funds. Mr. Holweck stated that when the Building Permit would be issued for a home, the builder would be responsible for the installation of the sidewalk. Once it is installed, the funds would be returned to him. If it was not sold within 5 years, the Township could use the funds to install the sidewalk. He noted that he would also pay for the cost for the agreement. Mrs. Shovlin suggested holding \$3,600. Mr. Klinedinst advised that he will revise his letter to justify the amount.

On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board agreed to accept \$3,600 escrow for the remaining improvements in Rose Brook II and for Attorney Rausch to prepare an Agreement at the developer's expense. Motion carried. Three votes yes.

14. Public Works:

- A. Mr. Heffner advised that the Board has received the monthly report for January. There were no questions.
- B. **406 Boyd Drive** - Mrs. Gunnet advised that the Public Sale for the house will be held on March 12, 2015 at noon. She estimated that the Township has approximately \$15,200 in outstanding fees. The auctioneer estimated that the home would sell for \$90,000 to \$125,000. Mrs. Shovlin questioned the assessed value of the home. Mrs. Gunnet stated that it is around \$200,000. She questioned if the Board wants to set a minimum reserve. Attorney Rausch suggested \$20,000. **On the motion of Dean Heffner seconded by Jo Anna Shovlin, the Board set the starting bid at \$20,000. Motion carried. Three votes yes.**
- C. **Utility Access Easement Agreement - Red Lion Area School District** - Mrs. Gunnet advised that she has received the signed agreement from the school district. **On the motion of Rodney Sechrist seconded by Jo Anna Shovlin, the Board approved the Agreement. Motion carried. Three votes yes.**
- D. **Wise Avenue sewer extension - Change Order #1 - \$12,059** - Mrs. Gunnet advised that there is a change order for the project in the amount of \$12,059. She explained that base repairs to the road were necessary and a manhole had to be adjusted due to elevation issues. She stated that even with the change order, the total project cost is still less than the \$100,000 grant. **On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board approved the change order. Motion carried. Three votes yes.**
- E. **Bid results - Sale of 2001 Ford F450 and diesel fuel tank** - Mrs. Gunnet advised that the sale of the 2001 Ford F450 and diesel fuel tank was done through MunciBid. She commented that there were more bids than she anticipated. The high bid for the **truck was**

\$13,300 from Creek Bottom Farms and the high bid for **the tank was \$550** from James Moritz. On the motion of Dean Heffner seconded by Rodney Sechrist, the Board accepted the bids. Motion carried. Three votes yes.

- F. **Bid results - Burkholder Road Pump Station Rehabilitation** – Mr. Trout advised that the low bid is from SWAM Electric Company. He noted that they were the contractor for the Pleasant Grove and Zimmerman Road pump station upgrades and he was satisfied with their work. A letter of recommendation has also been received from C.S. Davidson. **On the motion of Rodney Sechrist seconded by Jo Anna Shovlin, the Board awarded the bid to the low bidder. Motion carried. Three votes yes.**
- G. Purchase of body - Western Star - Mr. Trout advised that the Board has received a quote for the purchase of a Western Star body from EM Kutz. He noted that the body is similar to the 2012 Western Star but this one will be stainless and will have less electrical controls. Mr. Sechrist questioned if the purchase is from the same company. Mr. Trout stated that the last truck body came from A&H but there were problems with their service department. **On the motion of Dean Heffner seconded by Rodney Sechrist, the Board approved the purchase of the Western Star body. Motion carried. Three votes yes.**
- H. Short Span Bridge Inspection - Mr. Trout advised that C.S. Davidson will perform the bridge inspections. On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board approved the inspection and fees. Motion carried. Three votes yes.
- I. Purchase of leaf truck - Mrs. Gunnet advised that she had left a message for a representative from PennDEP to find out the procedure for the purchase of the leaf truck in conjunction with the grant that was awarded but has not heard back. She suggested approving the purchase in accordance with the grant requirements. On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board approved the purchase of the leaf truck as per the requirements of the grant. Motion carried. Three votes yes.

15. Other Business:

- A. Mr. Heffner advised that the Board has received the Zoning Report for January. A copy is available for review.
- 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. A copy is available for review.
- D. Alcohol Referendum - Update - Mrs. Gunnet advised that she has obtained the petition and they have been distributed to numerous people to collect signatures. She stated that signatures can be collected starting February 17th and are to be returned by March 9th. She stated that she has contacted several newspaper reporters but has not heard back. Mr.

Sechrist commented that he saw a segment on ABC27 of another Township trying the same thing and suggested contacting the media.

- E. **Franchise Fee Audit** - Mrs. Gunnet advised that the Township is 5 years into the contract with Comcast. She stated that the franchise fee fluctuates \$10,000 to \$13,000 each year. The Township Manager's Association has been in contact with Cohen Law Group for a franchise fee audit. Attorney Cohen provided a proposal of \$3,900 per municipality. She advised that the franchise fee received this year is \$8,000 more than what was budgeted so there are funds to cover this cost. She noted that Attorney Cohen does not feel that the Township's fee should fluctuate as much as it does. **The Board agreed to participate in the audit.**
- F. Mrs. Gunnet advised that when the Board participated in the Emergency Management review with Mr. Fromm, Mr. James from the County recommended that a Board member be appointed as a liaison to the EMA. **On the motion of Jo Anna Shovlin seconded by Dean Heffner, the Board appointed Mr. Sechrist as the liaison for the EMA. Motion carried. Three votes yes.**
- G. Mrs. Gunnet advised that she has received a quote from Kimberly Lawn Care for the spring 2015 treatments. The amount is \$3,999 which is the same amount as last spring. **On the motion of Dean Heffner seconded by Jo Anna Shovlin, the Board approved the quote. Motion carried. Three votes yes.**
- H. **Traffic Study - North Blacksmith Road - No Trucks Except Local Deliveries** - Mrs. Gunnet advised that GPS units are directing trucks down North Blacksmith Road. The trucks are then getting stuck at the sharp curve. Signs could be posted but would not be enforceable. It was the consensus of the Board to have a traffic study performed to determine if No Trucks Except Local Deliveries signs are warranted.
- I. Extension of Site Improvement Agreement - Taylor Estates, Section A, Lot 1, Windsor Hill Holdings & Rosebrook II - Mrs. Gunnet advised that bonds were posted as security for these developments and since the work has not been completed an extension of the Site Improvement Agreement is necessary. She added that the extension for Rosebrook II is no longer required as the Board had agreed to an Escrow earlier in the meeting. **On the motion of Dean Heffner seconded by Rodney Sechrist, the Board granted a one year extension of the Site Improvement Agreement for Taylor Estates, Section A, Lot 1 and Windsor Hill Holdings. Motion carried. Three votes yes.**
- J. **Resolution #2015R-02-01 - Adoption of Road Right-of-Way - Bethlehem Church Road** - Mrs. Gunnet advised that additional right-of-way had been offered in conjunction with a subdivision and this resolution accepts the dedication. On the motion of Dean Heffner seconded by Rodney Sechrist, the Board approved the Resolution. Motion carried. Three votes yes.
- K. **Resolution #2015R-02-02 - Adoption of Road Right-of-Way - Delta Road** - Mrs. Gunnet advised that additional right-of-way had been offered in conjunction with a subdivision and

this resolution accepts the dedication. On the motion of Dean Heffner seconded by Rodney Sechrist, the Board approved the Resolution. Motion carried. Three votes yes.

- L. Mr. Heffner reminded that the dedication of the Riddle Road bridge in honor of Technical Sergeant Daniel Lee Zerbe will be held on Saturday, April 11th at 1:00 p.m.
- M. Mr. Heffner advised that the Board has received the Transition Report for January.
- N. Mr. Heffner stated that an Executive Session will be held after the meeting to discuss contract negotiations.

16. Unfinished Business:

- A. Panorama Hills Pump Station – Settlement discussion, Spartan Heights - Revised Utility Easement, Spartan Heights - Utility Access Easement, Carrol M. & Doris E. Sterner - Revised Utility Easement, Grace Baptist Church - Revised Utility Easement, Floyd & Anne Warner - Revised Utility Easement & Pump Station lot – Mrs. Gunnet advised that she contacted Peoples Bank and Kochenour, Earnest, Smyser & Burg about the settlement and how to handle the funds. It was recommended that the Certificate of Deposits be cashed as they mature and put in the checking account so that penalties are not enforced. She noted that this will put the liquid funds over the bonding limits but KESB did not find this to be an issue as it is being publicly acknowledged. Mr. Sechrist questioned how long the funds would exceed the limit. Mrs. Gunnet stated that it would be approximately one month. It was also recommended that an additional signature be required on the account. To accommodate, Mrs. Shovlin was approved to be added as an additional signer.

On the motion of Jo Anna Shovlin seconded by Dean Heffner, the Board approved the easements with Spartan Heights, Carrol and Doris Sterner, Grace Baptist Church and Floyd and Anne Warner. Motion carried. Three votes yes.

Mr. Holweck advised that all of the easement agreements have been signed. A release is still required from the mortgage companies for the Enfield and Taylor properties. Attorney Rausch is working to resolve these.

Mr. Holweck advised that the lot that the pump station is on is owned by the Dietzs. He stated that in lieu of payment, they wanted the right to buy EDUs. They had suggested an agreement that they would be guaranteed to be able to purchase EDUs for a 10 year period. It was noted that there are approximately 2,700 unused EDUs available at this time. Attorney Rausch questioned how many EDUs they would be interested in. Mr. Holweck advised that they have Agricultural and Industrial zoned land and estimated 200 to 300. Attorney Rausch noted that they would need to be reserved. Mr. Klinedinst advised that this would need to be added to the Chapter 94 Report and could be done for 2016. The Board agreed to this.

- B. Proposed change to meeting schedule – Mrs. Gunnet advised that she thought it may be beneficial to hold the meeting on March 2nd to collect signatures for the alcohol petition. She commented that she contacted a representative that circulated petitions for a drive in Dover Township and he reported that he did not have large turnouts when he stayed extra hours at the office. After discussion, it was the consensus of the Board to cancel the regular meeting scheduled for March 2nd.
17. 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.
18. 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.
19. On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the bills were approved. Motion carried. Three votes yes.
20. The meeting of the Windsor Township Board of Supervisors adjourned into an Executive Session at 8:03 p.m. to discuss contract negotiations.

Respectfully submitted,

Jennifer L. Gunnet
Secretary

CITIZENS PRESENT

February 16, 2015

Vera Miller

Robert Holweck

Tracey Holweck

Elmer Fromm

Barry Hivner

William Kuehne

James & Carol Kraft

Jim Breyer

John Cheeseman

Bob Ward, Edgewood MD

Bob Ward, Edgewood MD

50 Oak Drive Red Lion PA

140 Newcomer Road Windsor PA

2600 Windsor Road Windsor PA

902 Cranberry Lane York PA

125A North Camp Street Windsor PA

910 Cranberry Lane York PA