

WINDSOR TOWNSHIP BOARD OF SUPERVISORS

June 15, 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, Attorney Charles Rausch, John Klinedinst, Jennifer Gunnet, 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 May 18, 2015 meeting were approved. Motion carried. Two 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 from the Red Lion Municipal Authority to their open house at the newly constructed water treatment facility. It will be held on July 18th from 10:00 a.m. to 12:00 p.m. 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 the Audit Report for the 2014 Financial Statements from Kochenour, Earnest, Smyser & Burg. There were no findings. The Board has received a copy.
 - D. Mrs. Gunnet advised that she has received a request for authorization for **road inspection for the purpose of street adoption in Windsor Meadows** from J. William Brehm of Stonebridge Bank. She explained that the original developer went bankrupt and the development was returned to the bank. On the motion of Dean Heffner seconded by Jo Anna Shovlin, the Board authorized for the road inspection. Motion carried. Two votes yes.
 - E. Mrs. Gunnet advised that she has received a letter from Richard D. Poole, Windsor Hills Holdings, LP, requesting release of surety. She explained that a two lot subdivision on Mountain Road was approved in 2007. As a requirement of the plan, Mountain Road was to be widened and security was held for the work. The original security was approximately \$11,500 but was increased to approximately \$15,300 when the securities were compounded for inflation purposes. Both of the lots have been sold and the improvements have not been completed. She commented that the security must remain in place until the work is completed or the requirement is removed from the subdivision plan.

Mr. Richard Poole was present. He advised that he no longer has a financial interest in this property as the lots have been sold. He noted that the vacant lot had been sold twice and it is now owned by Mr. & Mrs. Bradley and suggested that the improvements be required if they pull a Building Permit to construct on the lot. Mr. Allison advised that the improvements are required by the subdivision and are not tied to a Building Permit. He questioned why the work

has not been completed. Mr. Poole stated that they did not build on the lot so no construction had taken place on site. Mr. Allison noted that they were still able to obtain equity from the sale of the lot. Attorney Rausch asked if the posting of security had been discussed at the initial sale of the lot. Mr. Poole stated that it was not as he had anticipated building a house on the lot for them.

Mr. Heffner asked for Mr. Allison's opinion. Mr. Allison advised that he believes that the Township should require the improvements. He noted that if an adjoining property was subdivided, the same type of improvements would be required. It was noted that the improvements involve relocating a pole and cutting into a bank to widen the road approximately 100 feet.

Attorney Rausch questioned if he could complete the work. Mr. Poole advised that he is no longer in business and he is trying to clean up loose ends.

Attorney Rausch advised that the options would be to remove the requirement from the subdivision plan, continue to hold the security or call the bond and have the work completed by either the bond company or a contractor. Mr. Heffner advised that he is in favor of calling the bond and having the work completed. Mrs. Gunnet noted that this year the Township will be updating the security figures based on inflation and this bond amount will increase by approximately \$3,000. She suggested to wait to call on the bond until after this takes place.

On the motion of Dean Heffner seconded by Jo Anna Shovlin, the Board denied the request for release of surety for Windsor Hills Holdings, LP. Motion carried. Two votes yes.

5. Windsor Township Fire & Rescue Association - Chad Arnold was present. He advised that Joseph Yahnke was appointed as Vice President of the Association to replace Eric Myers. He noted that the SOGs were approved at their last meeting and quarterly training at the fire school recently took place with all of the fire companies represented.
 - A. The next Fire Chief's meeting will be held on July 23rd at Station 18, Goodwill Fire Company.
 - B. 2010-2013 Felton Firefighters' Relief Association Compliance Audit - Auditor General findings - Update - Mr. Arnold advised that the Relief Association has been working on the finding and will be meeting tomorrow. Copies of the documents will be sent to the Auditor General. There was a delay because their initial contact person was not responding.

Mrs. Shovlin questioned how long it took to be contacted. Mr. Arnold stated that he believes their first correspondence contesting the finding was in January. He commented that the finding was that there were no recorded minutes. However, there were multiple sets of minutes on the same paper.

Mrs. Shovlin advised that she does not want this amount of time to lapse before responding to a finding. She asked that they submit the information to Representative Saylor's Office and they will see that it is sent to the appropriate location.

- C. 2011-2013 Volunteer Firefighter's Relief Association of Leo Independent Fire Engine Company No. 1 Compliance Audit - Auditor General findings - Update - Mrs. Gunnet advised that an inventory of items has been completed and they are now in compliance.
6. York Area Regional Police Department - Corporal Miller was present. He advised that he did not have anything to report. He asked if there were any questions for him. Mrs. Shovlin requested that they patrol the area for speeding near the intersection of Freysville and Manor Roads during rush hour. Corporal Miller noted that he is aware of correspondence that was posted regarding this and he will follow through.
- A. The monthly report for April is available for review.
 - B. Civil Service alternate - Mrs. Gunnet advised that the Civil Service Commission is looking to add an alternate position for each member. To have a quorum, all three members must be present which makes scheduling difficult. She noted that the person cannot be an elected or appointed official and must reside within the jurisdiction that York Area Regional covers. She stated that anyone interested should provide a letter to York Area Regional.
7. Plans for Approval:
- A. **PLEASANT VIEW AUTO SALES - Land Development Plan #L-5511 by Gordon L. Brown & Associates, along Rt. 74** - Tom Estermyer, co-owner of Pleasant View Auto Sales, advised that this Final Land Development Plan creates additional parking area on the site. Mr. Allison noted that approval of a Stormwater Maintenance Agreement and Access Agreement are required. Security has been posted. The Windsor Township Planning Commission recommended approval of waivers for the installation of sidewalks along Delta and Windsor Roads, minimum diameter of conveyance pipe and a traffic study . It was questioned what the Access Agreement is for. Mr. Estermyer advised that there is a water line running across their property from Jefferson Lane for the Rutter's. **On the motion of Jo Anna Shovlin seconded by Dean Heffner, the Board approved the Stormwater Maintenance Agreement and Access Agreement, granted waivers for the installation of sidewalks along Delta and Windsor Roads, minimum diameter of conveyance pipe and a traffic study and approved the plan. Motion carried. Two votes yes.**
8. Emergency Management:
- A. Mr. Heffner advised that the Board has received a letter of resignation from Elmer Fromm effective December 31, 2015. He stated that if anyone is interested in the position to contact Mrs. Gunnet. She added that she sent an email to the fire chiefs to inform them of the vacancy and has placed a posting on the Message Board.

- B. Mr. Heffner advised that the Board has received the minutes from the May 20th staff meeting.
 - C. Mrs. Gunnet advised that the staff meeting originally scheduled for this week has been cancelled.
9. Solicitor - Attorney Rausch did not have anything to report.
10. Township Engineer:

- A. Cranberry Lane/Dietz Road Sewer Extension - Status Report #8, Change Order #1 - \$0.00 - Mr. Klinedinst noted that the Board has received a copy of the Status Report. He advised that the pipe laying is scheduled to begin in July.

Mr. Klinedinst advised that Change Order #1 has been prepared. There are no costs associated. He explained that it clarifies that C.S. Davidson will be providing full time inspectors, it changes the cutoff date for payment requisitions based on the Board of Supervisors meeting date and permits construction on Dietz Road to take place from 7:00 a.m. to 5:00 p.m. while school is out of session and 9:00 a.m. to 3:00 p.m. when school is back in session. On the motion of Jo Anna Shovlin seconded by Dean Heffner, **the Board approved Change Order #1**. Motion carried. Two votes yes.

Mr. Gunnet noted that they will be blasting onsite. Information has been forwarded to the property owners as well as the York Area Regional Police Department.

11. Public Works:

- A. Mr. Heffner advised that the Board has received the monthly report for June. There were no questions.
- B. Shadow Vehicles - Mrs. Gunnet advised that Mike Flemming with LTAP was the speaker at the last Manager's Meeting and this was a topic of interest. He had explained that regulations on shadow vehicles have been in effect for some time. However, when an accident occurs, the regulations are brought into the limelight. It was questioned if it is acceptable for flashers and signage to be used. He advised that it would not be total compliance but it would show that there is an effort made to comply. Mrs. Gunnet noted that signs have been ordered.
- C. Sale of 2003 Dodge Dakota and leaf loader - Mrs. Gunnet advised that the **Dodge Dakota** is no longer running. The truck was taken to Strobeck's Service and they have confirmed that the cost to repair it is more than it is worth. She stated that it can be **sold "as is" on Municibid** if the Board is interested. The Board agreed to this.

Mrs. Gunnet questioned the wishes of the Board for the old **leaf loader** since the Township now has the second self contained truck. She stated that it could be sold to another municipality without having to put it out to bid. It could also be sold on Municibid. It was the

consensus of the Board to try to **sell to another municipality first**. Mrs. Gunnet advised that she would work with Mr. Trout to determine a value.

- D. Mrs. Gunnet advised that the Township is often asked if a **leaf collection will be held in the spring**. She stated that since the Township now has two self contained leaf trucks if they would like to consider a collection. She suggested having a collection for two weeks at the end of April. The Board agreed to this.
- E. **Wise Avenue Sewer Extension - Time extension until December 31, 2015 & Resolution #2015R-06-02 - Tapping Fee & Financing** - Mrs. Gunnet advised that the contractor had done the final restoration and it was unacceptable. As of June 10th, it had not been redone. Due to this being paid for by a grant, she requested that the Board approve a time extension until the end of the year. She noted that the Township is holding security so she does not anticipate that it will take that long to have them complete the restoration. On the motion of Dean Heffner seconded by Jo Anna Shovlin, the Board approved a **time extension until December 31, 2015**. Motion carried. Two votes yes.

Mrs. Gunnet advised that the Board had previously approved a financing agreement for 10 years at an interest rate of 2% with a \$2.00 monthly service fee. She stated that the total cost, including the Township's tapping fee of \$1,800, is **\$10,513.88. This results in a monthly payment of \$96.73 plus the \$2.00 monthly service charge**. If the Board requires the \$1,800 at the time of the permit application, the monthly payment would be \$80.18. She noted that a lien will be placed on each property and will be satisfied once the loan is paid in full. She noted that she has not spoken with the residents as to how they would prefer the financing but since the area was a low income area, it may be a hardship for the property owners to come up with the \$1,800. **On the motion of Dean Heffner seconded by Jo Anna Shovlin, the Board approved Resolution #2015R-06-02 for the financing of the entire amount**. Motion carried. Two votes yes.

Spencer Seaks, 951 Wise Avenue, questioned if he would be able to deduct these fees on his taxes. Mrs. Gunnet recommended that he contact an accountant.

- F. **Delta Road Pump Station replacement - Exemption from ordinance** - Mrs. Gunnet advised that the Delta Road Pump Station must be completely replaced. Additional land will need to be purchased from the adjoining property owned by the Dobbies. Mr. Allison stated that the Board has received a memo from him regarding this upgrade. He advised that Section 113 in the Zoning Ordinance allows the Township to exempt ourselves from the requirements of the Ordinance. He recommended that the Township utilize this provision. On the motion of Jo Anna Shovlin seconded by Dean Heffner, **the Board granted use of Section 113 of the Windsor Township Zoning Ordinance for all aspects of the Delta Road Pump Station replacement project**. Motion carried. Two votes yes.
- G. **Pave-In-Place bid results** - Mrs. Gunnet advised that the bid results are attached to the Board's agendas. The low bidder is **Highway Materials** and they have been used in the past.

On the motion of Dean Heffner seconded by Jo Anna Shovlin the Board awarded the bid to the low bidder. Motion carried. Two votes yes.

- H. **Oil & Chip bid results** - Mrs. Gunnet advised that the bid results are attached to the Board's agendas. The low bidder is **Martin Paving**. She stated that there was an error made in the budget in regards to the funding for this project. She commented that it was originally to be paid from General Fund but to help balancing the budget the amount was to be reduced and taken from State Fund. She stated that when the change was made she did not earmark the funds for oil and chipping and so they are not available. She questioned how the Board would like to proceed. After discussion, the Board decided that they would like to continue with the oil and chip project. On the motion of Dean Heffner seconded by Jo Anna Shovlin, the **Board approved to pay the oil & chip bid from General Fund and awarded the bid to the low bidder**. Motion carried. Two votes yes.

12. Other Business:

- A. Mr. Heffner advised that the Board has received the Zoning Report for May. A copy is available for review.
- B. Mr. Heffner advised that the Board has received a copy of the Township Manager Report for May. There were no questions.
- C. Mr. Heffner advised that the Board has received a copy of the Animal Control Officer Report for May. A copy is available for review.
- D. Mr. Heffner advised that the Board has received the Transition Report for May. Mrs. Gunnet noted that Pleasant View Auto Sales and the Subdivision & Land Development Ordinance rewrite would soon be removed from ARRO's list of projects.
- E. **Jeffrey Stine - Quarterly Reserve Capacity Agreement - In default** - Mrs. Gunnet advised that Mr. Stine had reserved two units of sewer capacity for the lots that he had created with his subdivision. He had entered into an Agreement with the Township to pay a quarterly fee for the reservation of the capacity but he has defaulted due to nonpayment. She stated that due to the default, the lots will no longer have capacity available. A letter will be sent to Mr. Stine.
- F. Fishing Creek Project - Update - Mrs. Gunnet advised that Windsor Borough received a grant in the amount of \$125,000 for the Fishing Creek Project and a few changes need to be made. She explained that originally the partner municipalities, Red Lion Borough, Lower Windsor Township and Windsor Township were to offer in kind services. For record keeping purposes, DCNR has requested that different in kind services be provided. These services will now be used for the demolition of the playground. However, a local church will be purchasing some of the equipment and will be responsible for the removal of the pieces they want.

Mrs. Gunnet stated that Windsor Borough will be holding an appreciation luncheon on June 30th at noon to thank the partner municipalities and those organizations who made donations to the project. She asked that the Board let her know if they plan to attend so she can RSVP.

- G. **Vehicle for Zoning Department** - Mrs. Gunnet advised that Mr. Trout has been in contact with a salesman who has been looking for a used SUV for the Zoning Department but has been unsuccessful finding anything less than the budgeted amount. When the gas prices decreased, the cost for SUVs rose. Mr. Trout obtained a quote for a new Ford Explorer from Apple Ford in the amount of \$27,490 plus an additional \$500 for lighting. She stated that this is \$8,990 more than what was budgeted. She noted that there are funds available in the Vehicle & Equipment Fund. Mr. Heffner asked the balance in the fund. Mrs. Gunnet stated that it is approximately \$68,000. It was the consensus of the Board to **purchase the new vehicle and pay the balance from the Vehicle & Equipment Fund.** Mr. Heffner stated that he would also like to keep the Suzuki. Mrs. Shovlin questioned if the decals are removable. Mrs. Gunnet advised that they are magnetic.
- H. Extension of Site Improvement Agreement - Templeton Land Development Plan - Mrs. Gunnet advised that a bond was posted for security and the work has not been completed. Mr. Templeton is requesting a one year extension for the Site Improvement Agreement. Mr. Allison noted that he has met with Mr. Templeton and he is working to complete the outstanding improvements. On the motion of Jo Ann Shovlin seconded by Dean Heffner, the Board granted a one year extension for the Site Improvement Agreement for the Templeton Land Development Plan. Motion carried. Two votes yes.
- I. Mrs. Gunnet advised that she will be starting to prepare the Fall Newsletter and asked that the Board let her know of any information that they would like to have included. Mrs. Shovlin requested that it be noted that residents should call the Township to inform when they will be placing a large item out for garbage collection.
- J. **Proposed Subdivision and Land Development Ordinance** - Mr. Allison advised that the Subdivision and Land Development Ordinance has been rewritten. He noted that there have been some significant changes. C.S. Davidson has helped to finalize the draft and he requested authorization to forward it to the York County Planning Commission for review. He noted that Mr. Wilson had prepared a letter and the Windsor Township Planning Commission recommended that it be forwarded along with the draft to the YCPC. **It was the consensus of the Board to forward the draft and letter to the York County Planning Commission.**
- K. Junk Yard Licenses - Renewals - Mr. Allison advised that he has inspected all three junk yards, TC Auto Salvage, Red Lion Salvage and Prospect Metals, and is recommending that they be issued. He noted that there were no changes at Prospect Metals. There were no additional tires being stored and some tires were removed at TC Auto Salvage. At Red Lion Salvage, the operations are satisfactory but he expressed his concern that they are storing in areas that are not permitted. He informed the owner that he will be receiving a notice regarding this. Should they not come into compliance, the license can be revoked or they can be fined. **On the motion of Dean Heffner seconded by Jo Anna Shovlin, the Board**

granted approval of the Junk Yard Licenses for TC Auto Salvage, Red Lion Salvage and Prospect Metals. Motion carried. Two votes yes.

Mr. Heffner questioned if the old Bahn's Mill property could be considered a junk yard. Mr. Allison advised that it is not a junk yard but they do have violations for accumulation of junk and an apartment unit. He stated that there have been violations at this property since he started with the Township. He commented that citations have been filed but that does not get the property cleaned up. Mrs. Shovlin advised that there have been violations with PennDEP at this property as well. Mr. Allison stated that the owner lives nearby in Lower Windsor Township and when notice is sent to him he takes it to the Lower Windsor Township property and then it eventually returns. Lynn Cheeseman, 910 Cranberry Lane, questioned if he can work with the Zoning Officer at Lower Windsor Township to help solve the problem. Mr. Allison commented that he is sure she would work with him. Mrs. Gunnet noted that the majority of the cars are located in Lower Windsor Township.

- L. Mr. Heffner advised that the Board will recess into an Executive Session to discuss a personnel matter.

13. Unfinished Business:

- A. **Panorama Hills Pump Station – Update & Second Amendment to Sewer Improvement Agreement** - Mrs. Gunnet advised that they are finalizing the correction of some minor issues. Final restoration will then be completed.

Mrs. Gunnet advised that a second Amendment to the Sewer Improvement Agreement has been prepared. Attorney Rausch advised that as of June 9th, the total project cost was \$9,465,744.85. The fee for right-of-way acquisitions and inspections was \$295,517.75 leaving a net cost to the Township in the amount of \$9,170,227.10. The total number of EDUs for the project is 3,420 which computes to \$2,681.36 each. Panorama Hills Interceptor has requested 50 EDUs which amounts to \$134,067.50. This leaves a remaining balance of \$9,036,159.60 of which Windsor Township has already paid \$7,500,000. The balance due is \$1,536,159.60.

Mr. Holweck advised that he has made another deposit into the Escrow Account. He will be responsible for paying any other expenses as they are not reimbursable by the Township. He outlined some of the outstanding site improvements that are being finalized.

On the motion of Dean Heffner seconded by Jo Anna Shovlin, the Board approved the final payment to Panorama Hills Interceptor LLC. Motion carried. Two votes yes.

Mr. Heffner questioned if hydrogen sulfide tests were completed. Mrs. Gunnet advised that there was testing done on both the Windsor Township and York Township sides. Mr. Holweck stated that the testing was negative.

- B. Mr. Heffner advised that the meeting for July 6th has been cancelled.

14. Public Comment – Mr. Heffner noted that if speakers do not wish to have their address recorded, they must state this when speaking. John Cheeseman, 910 Cranberry Lane, questioned if the figures that were quoted during the Panorama Hills discussion apply to the Cranberry Lane sewer extension. Mr. Klinedinst advised that they do not. However, now that the total number of EDUs has been determined, the information can be forwarded to Rick Resh for him to determine the Cranberry Lane fee.
15. Supervisors Comments – Mr. Heffner asked Mrs. Shovlin if she had any comments. She did not. Mr. Heffner thanked Mr. Klinedinst for attending the last Planning Commission meeting to help finalize the draft of the Subdivision and Land Development Ordinance.
16. On the motion of Jo Anna Shovlin seconded by Dean Heffner, the bills were approved. Motion carried. Two votes yes.
17. The meeting of the Windsor Township Board of Supervisors adjourned into an Executive Session to discuss a personnel matter at 7:20 p.m.

Respectfully submitted,

Jennifer L. Gunnet
Secretary

CITIZENS PRESENT

June 15, 2015

Robert Holweck	2700 Philadelphia Road Edgewood MD
Richard Poole, Windsor Hill Holdings	880 Glenwood Drive York PA
John & Lynn Cheeseman	910 Cranberry Lane York PA
Spencer Seaks	951 Wise Avenue Red Lion PA
Mannix Downey	514 Dakota Drive Red Lion PA
Chad S. Arnold	Windsor Township Fire & Rescue
Tom Estermyer	511 Dakota Drive Red Lion PA
Corporal Daniel W. Miller	York Area Regional Police Department
Charles Wilson	1105 Windsor Road Red Lion PA