

WINDSOR TOWNSHIP BOARD OF SUPERVISORS

July 18, 2016

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, 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 June 20, 2016 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 an invitation to a Breakfast with Comcast which will be held on August 11th at the XFINITY Store. She asked the Board to let her know if they would like to attend so she can RSVP.
 - C. Mrs. Gunnet advised that she has received notification from Comcast that they will be having another channel lineup change.
 - D. Mrs. Gunnet advised that she has received the Audit Report from Kochenour, Earnest, Smyser & Burg for the audit of the Township's 2015 financial records. There were no findings. The Board has received a copy of the report.
5. Windsor Township Fire & Rescue Association – Eric Myers was present.
 - A. Mr. Myers advised that the next Fire Chiefs meeting will be held on July 28th at Yorkana Fire Company.
 - B. Mrs. Gunnet advised that she sent a letter to Yorkana regarding their nonparticipation with the association. Mr. Myers noted that Chief Hose responded to him that he thought that their secretary was attending the meetings and he will be attending future meetings.
 - C. Mr. Myers advised that all of the reports should be up to date. Mrs. Gunnet confirmed that they are.
6. York Area Regional Police Department - Chief Damon was present. He reviewed the report for June. He stated that the Township currently has a 1 hour deficit. He noted that the investigation of the homicide that occurred on June 24th is still ongoing and the case could potentially be brought back to York County.

Chief Damon advised that he has prepared a mid-year report. This is a new report that was not done in the past. Mrs. Gunnet noted that the Board has received a copy of the report.

Mrs. Shovlin stated that she would like to see an officer patrol on Cape Horn Road in the area of Sheetz as cars are speeding in the right lane to pass other cars driving southbound.

- A. The monthly report for June is available for review.
 - B. Request from Quick Response Team - former Spring Valley Pool property - Chief Damon advised that he had previously spoken with Tim Pasch about the possibility of doing some training at the Spring Valley Pool property and now that it belongs to the Township, he questioned if the Board would consider this request. He stated that they would train on explosive breaching. Mr. Heffner stated that he wants to make sure that the facility remains secure during and after training. Chief Damon agreed. The Board agreed to the concept.
 - C. Mrs. Shovlin stated that the York County Association of Townships of the Second Class hold a convention each fall and there is a featured speaker. This year it will be the Quick Response Team and she thanked Chief Damon for his assistance.
 - D. Due to the recent national incidents targeting police departments, Mr. Heffner questioned if the department was implementing different procedures. Chief Damon stated that they are not changing procedures but are taking precautions and trying to stay more alert.
7. **Daniel & Alexis Loss - Waiver of Site Plan** - Daniel Loss, 285 South Camp Street, advised that he had submitted a Building Permit application for the construction of a second story addition to his home. He then received a letter in the mail denying the application because a sealed Site Plan was required. He stated that he is present this evening to request a variance from this requirement. Ron Rush, Mr. Loss's father-in-law, stated that the addition will not be infringing on any setbacks.

Mr. Allison advised that the Board has received a memo from him. He explained that the Building Permit Ordinance requires a Site Plan for any addition to a home. He clarified that Mr. Loss is actually requesting an exemption of this section and not a variance. He added that there have been several other second story additions that did not extend past the existing dwelling that have complied with the Site Plan requirement. Mr. Allison stated that if the Board chooses to grant the exemption, he feels that the Ordinance should be amended.

After discussion, on the motion of Rodney Sechrist seconded by Jo Anna Shovlin, the Board denied the request. Motion carried. Three votes yes.

Mr. Rush questioned the variance wording. Mr. Allison stated that this is not a variance request. He added that the staff spent a great deal of time on this Ordinance and it has proven to be beneficial.

8. Jeff & Becky Kelly - Amendment to Zoning Ordinance - Chickens - Mr. Heffner advised that Mr. and Mrs. Kelly are his neighbors and he would like to abstain from making any decisions regarding this topic and turned the meeting over to Mrs. Shovlin. Becky Kelly advised that she received a notice of

violation for the keeping of chickens at her property. She stated that she had them there for 4 years and was not aware that she could not have them. She explained that she then got a rooster which bothered a neighbor and a complaint was filed. She requested that the Board consider amending the Ordinance to permit the keeping of chickens. Mrs. Kelly advised that she provided Mr. Allison with copies of Ordinances from other municipalities that allow for chickens in a residential zone. Mrs. Shovlin asked if she still has the chickens. She advised that she does not. Jeff Kelly added that urban farming is becoming an increasingly popular topic.

Mrs. Shovlin advised that a change would require an amendment to the Zoning Ordinance. Attorney Rausch reminded that a change would affect all properties within the zone. Mr. Allison added that two of the Ordinances that Mrs. Kelly presents actually prohibit the keeping of chickens in a residential zone. He noted that the Township does receive requests for chickens in residential zones but also receives just as many complaints about them. The Board agreed to take the request under advisement.

9. PLAN FOR APPROVAL:

- A. BRENT E. & JULIE M. SPYKER - Final Reverse Subdivision Plan #12028 by Shaw Surveying, Inc - 1 lot on Craley Road - Mr. Spyker advised that all comments have been addressed and he is requesting plan approval. Mr. Allison explained that this plan combines 2 lots into 1. One of the houses will be demolished. On the motion of Rodney Sechrist seconded by Jo Anna Shovlin, the Board approved the plan. Motion carried. Three votes yes.
- B. INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS - Preliminary/Final Subdivision Plan - Plan #428.6 by Site Design Concepts, 3 lots on East Prospect Road - Tabled.
- C. IAWAW & YORK EXCAVATING - Final Land Development Plan - Plan #428.6 by Site Design Concepts, 3 lots on East Prospect Road - Tabled.

10. Solicitor:

- A. **Kenneth Stoltzfus property - Lombard Road** - Attorney Rausch advised that the property owned by Kenneth Stoltzfus adjacent to the former Spring Valley Pool is for sale. The building was being marketed as storage for a commercial use. Mr. Allison did not agree that this was a permitted use for the property and sent a letter stating the Township's position that the property was used for residential storage, not commercial. The owner did not agree and filed an appeal application with the Zoning Hearing Board.

Attorney Rausch advised that when the subdivision was approved to create the lot in 1983, the property was zoned residential. A note was put on the plan that this lot was to be used as an accessory to agriculture. He stated that due to this note, he feels that the use of the property should be decided by the Board of Supervisors and not the Zoning Hearing Board. An agreement could be recorded that states the uses that are permitted.

A discussion was held on possibly purchasing the property. Mrs. Shovlin stated that she is not opposed to purchasing the property since it adjoins the Spring Valley property. Mr. Heffner agreed. Attorney Rausch noted that an appraisal would be required to purchase it. Mr. Heffner suggested the Board could make an offer subject to the appraisal. It was the consensus of the Board to consider an agreement if the owner is not interested in selling the property to the Township.

11. Township Engineer:

- A. Surety - Taylor Estates, Phase II, Section A & Taylor Estates, Phase II, Section B - Mr. Klinedinst advised that the bonding amount for Taylor Estates, Phase II, Section A must be increased but the bonding for Taylor Estates, Phase II, Section B can be reduced. The developer is requesting if they can combine the surety. Attorney Rausch stated that he believes an agreement needs to be worked out with the bonding company, Gemcraft Homes and the Township.
- B. Surety reduction - Taylor Estates, Phase I - Mr. Klinedinst advised that the amount of contingency had been doubled in error and a surety reduction of \$28,558 is warranted. On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board approved the surety reduction for Taylor Estates, Phase I. Motion carried. Three votes yes.
- C. MS4 Update - Mr. Klinedinst advised that the requirements for the General Permit are changing again. An Individual Permit is now also required and a Notice of Intent must be filed by September 2017. There will be a fee of approximately \$500 per year. If PennDEP recognizes the members of the CBPRP individually under the group that would be beneficial. A meeting is to be held between the York County Planning Commission and PennDEP.

12. Public Works:

- A. Mr. Heffner advised that the Board has received the monthly report for July. There were no questions. Mrs. Gunnet advised that the Pave-In-Place projects have been completed. It was noted that the access from the roadway to several driveways had to be addressed after the work was completed.
- B. Cancellation of 2016 Oil & Chip projects - Mrs. Gunnet advised that the Pave-In-Place paving project was approximately \$40,000 over budget. To stay within budget for the road improvement projects, it may be necessary to cancel the oil & chip projects. Since it was bid, an official letter from Stewart & Tate has been requested releasing the Township. Mr. Klinedinst noted that there could be an option to postpone the project which is done as a change order. Mrs. Gunnet stated that she did not consider this option. **On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board cancelled the 2016 oil & chip projects with the condition that a release is granted by Stewart & Tate. Motion carried. Three votes yes.**
- C. Wise Avenue - Connection Update - Mrs. Gunnet advised that Mr. Reinhart has been cited. She stated that she has been informed by the York County Planning Commission that he has reapplied for their program and a meeting is scheduled for August 3.

- D. **Delta Road Pump Station - PSI Pumping Solutions - 120 Day Time Extension, Liquidated Damages** - Mrs. Gunnet advised that the generator has still not arrived. Mr. Klinedinst stated that the work should be completed by the next meeting. He noted that the Township is entitled to liquidated damages. He recommended tabling the discussion until the next meeting and the Board took that action.
- E. **Windsor Woods Pump Station - Sewer Easement - Michael Howd** - Mrs. Gunnet advised that it has been discovered that the Windsor Woods Pump Station was not constructed within the easement that had been obtained. Michael Howd is one of the current owners of the property. He has signed a sewer easement agreement for the proper location. **On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board approved the Sewer Easement Agreement with Michael Howd for the Windsor Woods Pump Station. Motion carried. Three votes yes.**

13. Other Business:

- A. Mr. Heffner advised that the Board has received the Zoning Report for June. There were no questions.
- 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. There were no questions.
- D. Mr. Heffner advised that in accordance with the summer meeting schedule there will not be a meeting on August 1st.
- E. **Former Spring Valley Pool Property update** - Settlement earlier today, Recreation Plan, Exoneration of Real Estate Taxes, CADD drawings, Withdrawal of the approved preliminary land development plan, Insurance coverage & Rental of grass area along driveway - Mrs. Gunnet advised that settlement for the property was held earlier in the day. It will need to be determined how to proceed with the property. She stated that she would like to have an idea of what to budget for in 2017. A Recreational Plan will be needed. Mr. Klinedinst noted that he has provided samples of RFPs. Mr. Sechrist questioned if the Township can obtain grants for this type of work. It was stated that it would be looked upon more favorably if the master plan is completed prior to applying.

Mrs. Gunnet advised that the real estate taxes on the property are approximately \$13,700. She stated that the Township can request exemption of the taxes. On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, the Board directed Attorney Rausch to proceed with the request to have the taxes exonerated. Motion carried. Three votes yes.

Mrs. Gunnet advised that a preliminary plan was completed by Stahlman and Stahlman and it may be to the Township's benefit to have the CADD drawings. Mr. Klinedinst stated that he will contact Mr. Stahlman to see if he can obtain the drawings.

Mrs. Gunnet advised that there is a preliminary plan approved for this property which needs to be withdrawn. On the motion of Dean Heffner seconded by Rodney Sechrist, the Board withdrew the plan. Motion carried. Three votes yes.

Mrs. Gunnet advised that she met with the insurance agent on site. She stated that unoccupied structures are very expensive to insure and the agent was happy to see that it was secured. He recommended that only the contents be insured since the buildings will be demolished. The Township has 120 days to add the property to the insurance. It was the consensus of the Board to insure the contents up to \$5,000. Mrs. Gunnet added that liability insurance does not cover the pool. It was the consensus of the Board to fill in the pool.

There was discussion on the current use of the land for farming. Mrs. Gunnet noted that Mr. Trout stated that he would prefer to not have corn planted. Mr. Klinedinst stated that if it is done as no till, it is easier to excavate later. It was the consensus to continue to allow the property to be farmed with no conditions.

Mrs. Shovlin advised that the Easter Seals of York County is in need of handicap picnic tables and suggested that the Board consider making a donation to them since there were many tables that were sold with the property. **On the motion of Jo Anna Shovlin seconded by Dean Heffner, the Board donated 2 handicap picnic tables to the Easter Seals of York County. Motion carried. Three votes yes.**

Mrs. Gunnet advised that the Board has received a list of future discussion points.

- F. Electronics Recycling Event - Update - Mrs. Gunnet advised that she has received confirmation from the leader of Boy Scout Troop 155, that they will be able to assist with an Electronics Recycling Event. It will be held on October 29th from 9:00 a.m. to 12:00 p.m. Covanta has now agreed to provide the tractor trailer as they have done in the past. She stated that she will let Specialty Industries know of this change. Mrs. Gunnet commented that other municipalities have discontinued their electronics collections and questioned if the Board wants to limit the drop off to Township residents only. The Board agreed that the collection should only be for residents.
- G. **Proposed amendment to Personnel Policy - Resolution #2016R-07-01 - Amendment & Firearms** - Mrs. Gunnet advised that the changes that the Board had previously agreed to have been made. On the motion of Dean Heffner seconded by Jo Anna Shovlin, the Board approved the Resolution. Motion carried. Three votes yes.

Attorney Rausch advised that he has researched the keeping of firearms in employee vehicles. He stated currently employers are able to prohibit this. There are Bills that have been proposed that address this topic. However, none have been enacted. Mrs. Gunnet questioned how a concealed weapon permit would be effected. Attorney Rausch stated that he does not believe it would override the Township's policy. Mrs. Shovlin stated that the issue could be during the hunting season. The Board tabled the topic.

- H. Mr. Heffner advised that the Board has received the Building Permit Summary for the first half of 2016. There were no questions.
 - I. Kimberly Lawn Care - Mrs. Gunnet advised that the Board has received a copy of the quote for the fall 2016 lawn care. It is \$204 more than last year. On the motion of Dean Heffner seconded by Jo Anna Shovlin, the Board approved the quote from Kimberly Lawn Care. Motion carried. Three votes yes.
 - J. Vacancy on Planning Commission - Mrs. Gunnet advised that with the passing of Bud Harvey, there is now a vacancy on the Planning Commission. She stated that there were two people interested in a previous vacancy on the Zoning Hearing Board and Mr. Allison spoke with one of them to see if he was interested in this position. He stated that he was. Mr. Allison will contact the other person that had applied as well. It was the consensus of the Board that if the other person was not interested, to move forward with appointing the gentleman that he had already spoken with.
 - K. Mr. Heffner advised that an Executive Session would be held after the meeting to discuss a personnel matter, contract negotiations and the acquisition of real estate.
14. Unfinished Business - There was none.
15. 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.
16. Supervisors Comments – Mr. Heffner asked the Board if they had any comments.
- Mrs. Shovlin thanked the Board for donating the picnic tables to the Easter Seals.
- Neither Mr. Sechrist nor Mr. Heffner had any comments.
17. On the motion of Jo Anna Shovlin seconded by Rodney Sechrist, 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, contract negotiations and the acquisition of real estate at 7:34 p.m.

Respectfully submitted,

Jennifer L. Gunnet
Secretary

CITIZENS PRESENT

July 18, 2016

Michael Smith

Adam Lind

Ron Rush

Daniel Loss

Brent Spyker

Spencer Seaks

Becky Kelly

Jeff Kelly

Chief Tim Damon

Eric Myers

PO Box 96 Windsor PA

555 Boxwood Road Red Lion PA

817 W. Broadway Red Lion PA

285 S. Camp Street Red Lion PA

1380 Craley Road Windsor PA

951 Wise Avenue Red Lion PA

36 First Street Windsor PA

36 First Street Windsor PA

York Area Regional Police Department

Windsor Township Fire & Rescue