

WINDSOR TOWNSHIP BOARD OF SUPERVISORS  
January 19, 2009

1. The meeting of the Windsor Township Board of Supervisors was called to order at 7:00 p.m. by Chairman Paul Smith.

Those present: Paul Smith, Jan Smith, Dean Heffner, Attorney Charles Rausch, 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 Jan Smith seconded by Dean Heffner, the minutes from the January 5, 2009 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 a letter was received from John and Wanda Morrison regarding a Notice of Violation they had received regarding the parking of their boat. She stated that Mr. Allison has met on site with Mrs. Morrison. The property has been marked with the location where the boat may be parked.

Mr. Allison advised that he feels the issued is resolved and he did not plan to send a letter in response. Mr. P. Smith commented that if a response is sent, he feels it should stated what amount of taxes are actually paid to the Township.

Mr. J. Smith stated that he does not feel that a response is necessary. He stated that the item that concerned him the most in the letter was in regards to water running onto their property from the new development. He noted that he has spoken with Mr. Allison about this and it has been handled.

- C. Mrs. Gunnet advised that a letter was dropped off at the Township Office from a resident on Cambridge Drive on behalf of the Cambridge Drive Homeowners. The letter stated that residents of Windsor Pointe are cutting across their properties to get to the park. She noted that Mr. Allison has forwarded a copy of the letter to the property management company for Windsor Pointe. Mr. P. Smith suggested that the homeowners put up "No Trespassing" signs. Mr. Allison stated that the letter was sent anonymously so there is no way to notify the person.

- D. Mrs. Gunnet advised that she has received information from Senator Mike Waugh regarding the tax credit for volunteer firefighters. She stated that she has forwarded the information to the secretary of the Fire Association so she can distribute it to the Chiefs.
  - E. Mrs. Gunnet advised that she has received a letter from Spectra Energy regarding the proposed Texas Eastern transmission pipeline. She advised that a prebid conference was held last week and they wanted to notify the Township that residents may see an increased volume of surveyors and contractors on the properties that will be affected by the pipeline.
  - F. Mrs. Gunnet advised that she has received a copy of the audit of the Yoe Volunteer Firefighters' Relief Association from the Department of Auditor General. The period audited was from January 1, 2004 to December 31, 2006. There was one finding which was that the Treasurer's bond was not high enough. She stated that they will correct the finding as they have corrected others in the past.
  - G. Mrs. Gunnet advised that she has received a letter from Yoe Ambulance stating that they will be staffing a second unit at Yoe Borough. This will operate Monday through Friday from 6:00 a.m. to 4:00 p.m. as this has been determined to be the peak time.
5. Elmer Fromm – Emergency Management Coordinator – Mr. Fromm explained that his report is light due to the holidays. He gave information on staff hours, training hours and mileage

Mr. Fromm stated that on January 1<sup>st</sup>, he was called to respond to a fire off Felton Road. He stated that it was dispatched as a trailer fire but was determined to be in a garage. He stated that the fire companies did a great job keeping the fire from spreading to adjoining homes and wooded area. He thanked the Township for their assistance with a backhoe and cinder truck. He added that the Red Cross and Rabbit Transit also assisted.

Mr. J. Smith asked Mr. Fromm if he has a list of local contractors that can be called out in these types of situations. He asked why the Township must be the first call. Mr. Fromm stated that he has an agreement with Mrs. Gunnet that he contacts her first in these types of situations where major expenses could occur. He stated that expenses can be billed to the landowner or insurance company as they were in this case. Mrs. Gunnet noted that if neither pay the invoice, the Township could end up with the bill. She added that all invoices in the past have been paid so this situation has not been run into. She stated that a few years ago there was a barn fire on Windsor Road in which the Township did not have the equipment that was needed to assist with the fire. In that case, a contractor was called in. She noted that it took over an hour for them to respond. She stated that she thinks that the Township would be the quickest to respond. She commented that the firefighters are volunteers and it is important to keep them

from waiting for extended periods of time. Mr. Heffner stated that he thinks that the Township should be the first one to respond if we have the equipment available. Mr. J. Smith advised that he would like to discuss this at a later time.

A. The Board has a copy of the Monthly Report for December.

6. Plans for Approval:

A. **WHISPER RUN, PHASE II – 2<sup>ND</sup> REVISED – Preliminary/Final Subdivision Plan #L-4505-3 by Gordon L. Brown & Associates for Lots 110 to 121 on Surrey Lane** – John Runge with Gordon L. Brown & Associates advised that this is a revised plan to correct erosion issues on Lots 110 through 121. He noted that they have been working with the York County Conservation District to gain a solution. This plan creates a 20' wide drainage easement along the rear of the properties. A drainage channel will be installed on all of the lots except Lot 113. This lot has already been developed and the property owner is requesting a pipe. Mr. Heffner asked who will maintain the swale and pipe. Mr. Runge advised that there is a note on the plan that the homeowners will be responsible for the maintenance. Mrs. Gunnet advised that this is a standard note which also states that nothing can be placed or planted in the easement. Mr. Heffner stated that this would be a good time to require asbuilts to ensure that nothing is placed in the easement area. Mr. P. Smith agreed but acknowledged that it would not be able to be done with this specific plan.

Mr. J. Smith asked why Lot 113 has a pipe. Mr. Allison advised that this is the only lot that is developed and the property owner has requested that a pipe be installed. Mr. Runge noted that the Windsor Township Planning Commission was concerned with the diameter of the pipe so they have increased it. Mr. J. Smith asked if it would be better to install a pipe across all of the lots. Mr. Allison advised that the water is flowing off the farm field behind the lots and there would be no way to convey the water to the pipe. Mr. Runge noted that the homeowner has also signed the plan.

Mr. J. Smith asked if there any other options. He commented that he cannot see the homeowners maintaining the swales and pipe. Mr. Allison and Mr. Runge agreed that they did not have a better solution as this is a typical item that is on plans. Mr. P. Smith stated that it is better that this was noticed and is able to be fixed before all of the lots have been developed. Mr. J. Smith asked if there will be standing water. Mr. Allison advised that there would not.

**On the motion of Jan Smith seconded by Dean Heffner, the Board approved the revised plan. Motion carried. Three votes yes.**

- B. PYXOS PROPERTIES, INC. – Preliminary/Final Land Development Plan #2008.37.0 by LSC Design for a building expansion along Walnut Street** – Andrew Miller with LSC Design advised that this plan is for a building expansion for Pyxos Properties. Mrs. Gunnet noted that the Board would know this as Specialty Industries. Mr. Miller stated that it will be a 82,000 square foot addition and would include stormwater basin modifications and additional parking. He advised that all of the conditions have been met and he is asking for Board approval. Mr. Allison advised that all comments have been addressed. Mr. Trout asked if they still intended to pipe the stormwater to the creek. Mr. Miller stated that they will not be piping to the creek. They will be deepening and rip-rapping the swale. **On the motion of Jan Smith seconded by Dean Heffner, the Board approved the plan. Motion carried. Three votes yes.**

7. Plan for Discussion:

- A. SPRING VALLEY POOL SITE – Preliminary Land Development Plan #A-06-023 by Stahlman & Stahlman for 97 townhouses along Lombard Road** – Jerry Stahlman advised that they would like to discuss the entrance to the proposed townhouse development on the Spring Valley Pool site. He stated that a Highway Occupancy Permit application was sent to PennDOT. The Township staff required that one access point must be lined up with Navajo Drive and a second access be provided. PennDOT is only requiring one point of access which aligns with Navajo Drive. PennDOT responded that they do not feel that the property has enough road frontage to provide adequate separation distance between the two entrances. Mr. Stahlman stated that they discussed several different options with PennDOT. The option for a boulevard access lined up with Navajo Drive that would be the width of two lanes in each direction was discussed. Another option proposed would have one access lined up with Navajo Drive and one gated emergency access. The Township staff requested that they pursue an entrance lined up with Navajo Drive and a secondary right-in, right-out entrance.

Attorney MacNeal advised that they had sent a letter to PennDOT noting that the Township requires two entrances. They have agreed to allow a right-in, right-out access but is requesting that the Township send a letter supporting the need for the second access. Mr. P. Smith commented that it sounds like PennDOT is challenging the Township's Ordinance. Mr. J. Smith asked why the one entrance needs to line up with Navajo Drive. Mr. Allison advised that it is safer for the streets to align rather than be offset. Mr. J. Smith stated that he does not like right-in, right-out intersections because they do not work. Mr. Stahlman stated that this one would have a longer divider than normal to keep people from turning left. Mr. Allison agreed that these types of intersections are often not used properly. However, this is a better option than

only having one access. Mr. Heffner stated that he does not want a gated emergency access. Mr. P. Smith stated that he would like to see the site before making a decision. Mr. J. Smith agreed. Mr. Stahlman advised that he would be glad to meet them on site if they desire.

8. Solicitor:

- A. **Heritage Hills Associates – Utility Easement Agreement** – Attorney Rausch advised that Heritage Hills is planning an expansion of their hotel. Due to the proposed location of the expansion, a portion of the Longstown Interceptor will need to be relocated. Attorney Rausch advised that they will be adding a water park, parking garage and additional parking. The interceptor will be located under the parking lot. It will be the responsibility of the owner to make any repairs to their property should the line need to be fixed. Mr. Reichard and Mr. Trout have reviewed the plans for the relocation. Attorney Rausch advised that he has prepared the agreement with Heritage Hills Associates at no cost to the Township. He stated that this agreement will replace the one that was created in 1975. **On the motion of Jan Smith seconded by Dean Heffner, the Board approved the agreement. Motion carried. Three votes yes.**

9. Township Engineer:

- A. Freysville Intersection – Conflict with horseshoe pits – Mrs. Gunnet advised that the Board had previously approved to have sidewalks installed along the Freysville Park in conjunction with the traffic signal. She stated that there is a 4' grass strip proposed between the curb and the sidewalks. She noted that this will cause a conflict with the location of the horseshoe pits. She stated that the options are to relocate the horseshoe pits or to blacktop the portion of the walking trail that is behind the pit. Mr. P. Smith advised that he does not want to remove the horseshoe pits. He stated that they were installed for a league to be held and realizes that they are not often used. **It was the consensus of the Board to blacktop a portion of the walking trail to continue the sidewalk.**
- B. **Security Reductions – Windsor Pointe, Phase II and Stapleton** – Mrs. Gunnet advised that two security reduction requests have been received. She stated that Windsor Pointe, Phase II is requesting a reduction in the amount of \$39,988.45 to bring the balance to \$0 and Stapleton is requesting a reduction in the amount of \$123,960.00 to bring the balance to \$844,140.90. Mr. Reichard is recommending that both reductions be approved. **On the motion of Jan Smith seconded by Dean Heffner, the Board approved the reductions for Windsor Pointe, Phase II and Stapleton based on the approved of the Township Engineer. Motion carried. Three votes yes.**

- C. **Planning Module Exemption – Jeffery A. Stine** – Mrs. Gunnet advised that Jeffery Stine is proposing a three lot subdivision off Freysville Road. He is requesting planning module exemption. Mrs. Gunnet advised that there are no projected overloads to the system. **On the motion of Jan Smith seconded ed by Dean Heffner, the Board approved the Planning Module Exemption for Jeffery A. Stine. Motion carried. Three votes yes.**

10. Public Works:

- A. Mr. P. Smith advised that the Board has received the Monthly Report for December. He asked the Board if they had any questions. Mr. J. Smith commented that the bridge inspections were not addressed. Mr. Trout stated that he did not receive the reports yet so he did not have anything new to report.
- B. Bid results – Sale of Ford Ranger and Miscellaneous Equipment/Materials – Mr. P. Smith advised that the Board has received a copy of the bid results. It was noted that two of the bids for one item were the same. Mrs. Gunnet stated that the one bidder has withdrawn their bid. **On the motion of Dean Heffner seconded by Paul Smith, the Board awarded the bids to the high bidder. Motion carried.** Two votes yes. Mr. J. Smith abstained due to bidding on an item.
- C. The Board discussed various dates to meet with Public Works employees. It was decided that they would meet with them on Thursday, February 5<sup>th</sup> at 12:00 p.m.
- D. **Adams Electric Cooperative Quote – Change electric service at Bahn’s Mill Road Building** – Mrs. Gunnet advised that the Board has received the quote to relocate the electric meter from the office building to the garage. The cost for the relocation is \$1796. In addition, there is a \$50 application fee to apply. Mr. Heffner commented that he thinks a new panel box will also be needed. Mr. J. Smith asked if it is necessary to have electric. Mrs. Gunnet advised that the garage doors are electric. Mr. P. Smith stated that he feels there should be electric service. Mr. Heffner added that it may help with security as well. Mr. J. Smith asked if it would be cheaper to trench the electric. Mr. Trout advised that he had looked into this and it is more expensive. **On the motion of Jan Smith seconded by Dean Heffner, the Board approved the quote and application fee. Motion carried. Three votes yes.** Mr. P. Smith asked Mr. Trout to hold off on the relocation at this time.
- E. **Security Reductions for Reserve Capacity – Stapleton, Laurel Vistas, Emmanuel United Methodist Church and Shawnee Manor** – Mrs. Gunnet advised that in order to be placed on the Chapter 94 report, security must be held for each unit desired. In January of every year, the Board must approve to reduce the security being held by

each unit applied for in the previous year. She stated that Stapleton should be reduced by \$13,620, Laurel Vistas by \$4,540, Emmanuel United Methodist Church by \$2,270 and Shawnee Manor by \$2,450. **On the motion of Jan Smith seconded by Dean Heffner, the reductions were approved. Motion carried. Three votes yes.**

- F. Date for Open House – Public Works Building – Mrs. Gunnet advised that the Board had previously discussed holding an open house for the new public works building. She stated that she is working on the spring newsletter and if the Board would like to have an open house this spring, she would like to advertise it. Mr. Heffner commented that he thinks there is still a lot of work to be done. Mr. P. Smith stated that he is fine with holding it in the fall. The Board agreed. A date will be determined and advertised in the fall newsletter.
- G. Mr. Trout advised that during the snowstorm today one of Jackie Trout's trucks was hit by a truck on Eckert Road. He stated that the police department did respond. The driver was not at fault and there was minor damage to the truck.

Mr. J. Smith asked if Mr. Trout has an alternate plan that allows for just the Highway Department to cover the entire Township during a storm. Mr. Trout advised that there is a plan. Mr. J. Smith commented that where he lives, there was no ice but a plow truck was in the area. He commented that so far having an outside contractor assist with snow removal has cost over \$10,000. He stated that we should be able to handle the situation with our own staff, especially during typical working hours. Mr. Heffner noted that if the Township employees are out after hours, they will be paid for overtime. Mr. Trout commented that during today's storm, the conditions changed at different times. Mr. J. Smith asked what time the plow trucks were sent out today. Mr. Trout stated that it was around 1:00 p.m. Mr. J. Smith advised Mr. Trout to try to do as much as possible without calling out additional contractors.

#### 11. Other Business:

- A. Electronics Recycling – Mrs. Gunnet advised that the Electronics Recycling collection was held on Saturday, January 10, 2009. She stated that there was a good turnout. Eighteen boxes were filled and will be picked up this Thursday. It was noted that in the future if the Township wants to participate in an electronics collection, we will need to contract with other municipalities.
- B. Mr. P. Smith advised that the Zoning Report for December is available for review.
- C. Mr. P. Smith advised that the Dog Officer Report for December is available for review.

- D. **Approval to purchase – computer** – Mrs. Gunnet advised that Mrs. Coble’s computer is the oldest. The new software that was installed last year will not work on it. The new accounting software to be purchased will not work on it either. She stated that she has received a quote for a new computer from Entre Computer Center in the amount of \$495. **On the motion of Jan Smith seconded by Paul Smith, the Board approve the purchase of a new computer. Motion carried. Three votes yes.**
- E. **Extension of Site Improvement Agreement – Taylor Estates, Phase II, Section A, Lot 1** – Mrs. Gunnet advised that a bond was posted for security for this development. A Site Improvement Agreement was approved giving one year for the work to be completed. The only work that has been completed is the removal of the barn. They are requesting a one year extension. **On the motion of Jan Smith seconded by Dean Heffner, the Board approved the extension of the Site Improvement Agreement for one year. Motion carried. Three votes yes.**
- F. **Ordinance No. 09-01-02 – Establish speed limit on Pershing Avenue** – Mr. P. Smith advised that a traffic study has been done and recommends setting the speed limit at 25 mph. **On the motion of Jan Smith seconded by Dean Heffner, the Ordinance was approved. Motion carried. Three votes yes.**
- G. Use of Bahn’s Mill Road building by Fire companies – Time Limit – Mrs. Gunnet advised that she has met with Mr. Yahnke to show him the Bahn’s Mill Road building. She stated that she asked him how long they wanted to use the building. She was told that they have classes scheduled through August and would like to also hold a class in September. Mr. P. Smith commented that the longer they use the building, the less there will be left inside and it may cost less to remove. He asked what liability there is for the fire companies to use the building. Mrs. Gunnet advised that the fire companies carry liability insurance. She stated that the building will be secured at all times. If a window is broken, it will be replaced or will be boarded up. **It was the consensus of the Board to allow the fire companies to use the building until the end of September with the condition that the building is taken care of.** Mrs. Gunnet will notify the adjoining property owners as to what will be happening.
- H. **Resolution No. 09R-01-04 – Electronic Access License Agreement** – Mrs. Gunnet advised that previously the Board had approved an agreement that would allow the Township to do online reporting with PennDOT. She stated that they are also requiring a Resolution. **On the motion of Jan Smith seconded by Dean Heffner, the Board approved the Resolution. Motion carried. Three votes yes.**

- I. Expansion of Recycling Program – Mrs. Gunnet advised that she and Mr. P. Smith had met with a representative from York Waste Disposal regarding the expansion of the recycling program. She stated that they did not have enough trucks to expand previously but were unable to secure contracts and now have trucks available. The Board has information on the new materials that are able to be recycled. The information will be put in the spring newsletter and will be posted on the website. Mr. P. Smith asked that it also be put on the message board.
- J. Mr. P. Smith advised that the Board has received a copy of the 2008 Building Permit Summary. He stated that compared to 2007 there has been a decline in building. However, the permit value has increased.
- K. Mr. P. Smith advised that an Executive Session will be held after the meeting to discuss possible litigation.

12. Unfinished Business:

- A. Panorama Hills Pump Station Update – Mrs. Gunnet advised that she had met with Mr. Reichard and Robert Holweck regarding the site work. The Pennsylvania Historical Commission is requiring that an archaeological study be done along the corridor to check for any artifacts. She noted that this will increase the cost by approximately \$100,000. They will be digging 6' to 8' deep holes with the Township's backhoe. They will also be hand digging holes. This will push the timeframe back several months and even longer if anything is found.
- B. Joint Stormwater Drainage Study – Mrs. Gunnet advised that she is waiting to hear from DCED.
- C. Residential Rental Tax Ordinance – The Ordinance is still being investigated in the court system.
- D. Adoption Resolution – Windsor Way – Mrs. Gunnet advised that she is still waiting to receive the updated information.
- E. Drainage at Freysville Park, Field #1 – Mrs. Gunnet advised that she will be going back to Mr. Pasch to discuss the issue further. She stated that the work has been completed by Mr. Reichard so no more engineering fees should be incurred.
- F. Verification of building setback compliance – It was noted that Mr. Allison is working on this.

G. Possible land purchase – Mrs. Gunnet advised that the Board has a copy of the appraisal. Mr. Sowers was present. He stated that he was originally asking \$850,000 for the farm. The appraisal came in at \$750,000. He stated that he understands that the Township cannot pay a price higher than the appraisal. He stated that he wants to work with the Township because he feels this purchase would benefit the Township. He stated that he would accept \$750,000 but would like to keep an additional 1.1 acres that has a building on it. He noted that the cost for the Township to remove this building would have been approximately \$15,000. He stated that since the cost per acre is approximately the same price, this would not cost the Township any additional money. The total amount of land to be sold to the Township would be approximately 46 acres.

Mr. Heffner asked if he planned to continue the turkey farm. Mr. Sowers stated that the business is winding down. He noted that his contract with this company will expire at the end of this group.

The Board agreed to take this matter into the Executive Session.

13. Public comment – There was none.
14. Mr. P. Smith asked the Board if they had any comments. Neither Mr. J. Smith nor Mr. Heffner had any comments. Mr. P. Smith did not have any comments either.
15. Mr. J. Smith asked what the auger motor is for. Mr. Trout advised that it is for a cinder spreader. Mr. J. Smith also asked what the tray shelves were for. Mr. P. Smith commented that he thinks they were on the last bills list. Mr. Trout stated that they were for the new sewer truck to better utilize the space in the toolboxes. On the motion of Jan Smith seconded by Dean Heffner, the bills were approved. Motion carried. Three votes yes.
16. The meeting of the Windsor Township Board of Supervisors adjourned into an Executive Session at 8:25 p.m. to discuss the possible purchase of real estate and possible litigation regarding the Bahn's Mill Road site.

Respectfully submitted,

Jennifer L. Gunnet  
Secretary

CITIZENS PRESENT

January 19, 2009

|                         |                                     |
|-------------------------|-------------------------------------|
| Gerald Miller           | 830 Marvell Drive York PA           |
| Vera Miller             | 830 Marvell Drive York PA           |
| Elmer Fromm             | 50 Oak Drive Red Lion PA            |
| Yvonne Emenheiser       | 1027 Hastings Boulevard York PA     |
| Allen Emenheiser        | 1027 Hastings Boulevard York PA     |
| Andrew Miller           | LSC Design, Inc.                    |
| John Forrey             | Specialty Industries/Nupak Printing |
| Rebecca Haas            | 5 Sheldon Drive Red Lion PA         |
| John Runge              | Gordon L. Brown & Associates        |
| Attorney Stacey MacNeal | Katherman, Heim & Perry             |
| Jerry Stahlman          | Stahlman & Stahlman                 |
| Charles Silar           | 1500 Windsor Road Red Lion PA       |