

WINDSOR TOWNSHIP BOARD OF SUPERVISORS

August 17, 2009

1. The meeting of the Windsor Township Board of Supervisors was called to order at 6:00 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 July 20, 2009 and August 3, 2009 meetings were approved. Motion carried. Three votes yes.
4. The following items of correspondence were presented:
 - A. Mrs. Gunnet advised that any Form U applications that had been received from Modern Landfill would be on the counter in the rear of the room.
 - B. Mrs. Gunnet advised that the Township has received a letter from Senator Mike Waugh in response to the Board's letter expressing concerns regarding the cutting of programs for municipalities in the State budget. His letter advised that he supports the bill for no tax increase which means that programs will need to be cut. Mr. P. Smith commented that if funding to municipalities is cut, this means that there will likely be a tax increase to make up for the loss.
 - C. Mrs. Gunnet advised that she has received a letter from Representative Stan Saylor regarding Senate Bill 885 which reauthorizes the \$2 per ton fee on garbage. The fee goes toward a recycling fund. He is in support of the Bill.
 - D. Mrs. Gunnet advised that she has received a response from Michael Gillespie, Acting District Executive of PennDOT, regarding a request for a multi-stop intersection at Pleasant Grove and Snyder Corner Roads. She stated that in October 2008, a letter was sent to PennDOT to see if a multi-stop intersection was warranted. An analysis has been completed and it has been determined that it is not warranted based on the number of accidents within the past 5 years. Additional signage will be posted to warn of the intersection ahead. Mrs. Gunnet will respond to the original requester.
 - E. Mrs. Gunnet advised that she has received a request for a donation in 2010 from the York County Rail Trail Authority. The Board advised that they would not be willing to make a donation based on the reduced funding from the State.

- F. Mrs. Gunnet advised that she has received notification from Comcast that lineup changes will take effect on September 10th. The changes affect the Classic Digital and Sports Entertainment packages.
- G. Mrs. Gunnet advised that she has received a letter from Mayers, Mennies & Sherr, the attorney for the Township's insurance company, regarding the settlement of the Steele v. Windsor Township case. She noted that the insurance company for the property owner agreed to the settlement. The Township did not have to pay out. Mr. P. Smith asked why the property owner was responsible. Mrs. Gunnet advised that it is due to the property owner installing an embankment on his property.
- H. Mrs. Gunnet advised that she has received the 2008 Windsor Township 2008 Audit from Kochenour, Earnest, Smyser & Burg. The Board has received a copy. Mr. P. Smith commented that he could not find any negative comments. The Board agreed that it is hard to read. Mr. J. Smith asked that it be placed under old business on the agenda as he did not have an opportunity to review it.
- I. Mrs. Gunnet advised that she has received a letter from Timothy Pasch requesting a time extension for the adoption of Danbury Drive in Windsor Pointe. She noted that today is the deadline. She added that only Danbury Drive would be adopted as the other streets in the development are private. Mr. Heffner commented that he noticed that a portion of the street was milled. Mr. Trout advised that Mr. Pasch had previously paved the street without obtaining any inspections. A punch list will need to be prepared by C.S. Davidson before any work can begin. He noted that the last day to pave is October 15th. Mr. J. Smith advised that an extension had been granted for someone last year and questioned who it was. Mrs. Gunnet stated that it was Keystone Custom Homes for Chatham Creek. Mr. J. Smith commented that if an extension would be granted, he would want the work completed by October 1st and Mr. Pasch to pay the Township for funds that would not be received for liquid fuels in 2010. Mr. Heffner stated that he is not in favor but understands that extensions were previously granted. He advised to make sure that the work is closely inspected. **On the motion of Jan Smith seconded by Dean Heffner, a time extension was granted until October 1st for the adoption of Danbury Drive in Windsor Pointe, with the condition that the amount of the 2010 liquid fuels funds for the street is paid prior to the adoption. Motion carried. Three votes yes.**
- J. Mrs. Gunnet advised that she has received a letter from John Downs regarding a Notice of Violation. She stated that the violation was for having recreation trailers and boats on his property. Mr. Allison advised that only one is permitted and he had two boats and two trailers.

5. Diane Folkenroth – Notice of Violation – Diane Folkenroth, 4012 Charity Drive, advised that she has a few comments before addressing the violation. She stated the newsletter that it sent out is fantastic. She noted that she had spoken with the police department regarding traffic problems. They suggested contacting the Township to have something put in the newsletter. She stated that people are supposed to be updating their tags within 60 days of moving from out of state. She also commented that the Central Penn Business journal needs to be updated to reflect current positions held by the Board.

Mrs. Folkenroth advised that she is concerned about a notice of violation that she has received. She noted that she has lived at her property for over 40 years. She commented that there are two new developments nearby and she has had to put up with heavy equipment, dust and noise. She asked Mr. Pasch to pave Danbury Drive so that it can be adopted. She added that she has even had people drag racing on Hope Drive and Charity Drive. Mrs. Folkenroth gave Mrs. Gunnet a Right-to-Know request. She advised that the notice of violation was regarding a utility trailer that she has on her property. She explained that her property is located at the corner of Hope Drive and Charity Drive. Her house fronts on Charity Drive but her driveway accesses Hope Drive. She advised that she cannot meet the setback on Hope Drive and would like to apply for a variance. Mrs. Folkenroth explained that the trailer is used to haul wood pellets, lawn mowers and their four-wheeler. It is not used for a business and is not a recreational vehicle. She stated that their home and property are well kept.

Attorney Rausch questioned what the violation is for. Mr. Allison advised it is because they are not meeting setbacks for where they are parking the trailer. Rick Folkenroth stated that they only have 35' to the tongue of the trailer. He commented that the only place to park it other than the driveway is in the yard and it will kill the grass. Mrs. Folkenroth stated that it does not look nice either. She added that there are violations all over the Township and she is asking for a break. She gave the Board pictures of various violations.

Attorney Rausch advised that Mr. Allison's job is to interpret the Zoning Ordinance. He stated that if they do not agree with the violation, they can appeal to the Zoning Hearing Board. If they would decide to apply for a variance, it would be heard by the Zoning Hearing Board, not the Board of Supervisors. He added that the Board can only change the entire ordinance which would affect all properties, not just theirs. Mrs. Folkenroth stated that she does not want the entire ordinance changed. She noted that she would like to look at the previous regulations to see when this regulation was started.

6. Windsor Township Fire & Rescue Association – Dan Orwig advised that he has checked on the status of the Knox box program. He stated that a license is required to be obtained that would create a tone for the association. He noted that Barry Myers is working on this and he will be in touch with Mrs. Gunnet. Mr. P. Smith commented that he was concerned because it was the impression of some that the Township was holding up the program.

Mr. Orwig noted that the next meeting has been changed from Yorkana to Felton.

Mr. J. Smith asked how the radios are working. He commented that he was aware that other areas were having issues. Mr. Orwig stated that they have not had any problems. He added that Adams County does not have enough towers.

Mr. Heffner advised that the last time he was at the Bahn's Mill Road building, he noticed that there were holes in the walls and the building was not secure. Mrs. Gunnet advised that she was aware of this and the information had been passed onto Mr. Yahnke.

A. The next Chief's meeting will be held on August 27th at 7:00 p.m. at the Felton Fire Company. Mr. P. Smith will attend.

7. York Area Regional Police Department – Officer Zinn advised that they have been having issues with owners leaving their cars unlocked and people stealing from them. He commented that there have not been problems with windows being smashed so if people would pay better attention to locking their doors, there would be less theft. He noted that burglaries have also increased at churches and fruit and vegetable stands. He stated that they check these places when on duty. Mr. J. Smith asked if churches are notified if they are found to be unlocked. Officer Zinn advised that they are. He noted that these types of burglaries are happening everywhere, not just in Windsor Township.

He stated that he is glad to hear that people are calling with traffic complaints, noting that if they are not aware that there is an issue, they cannot help.

A. Mr. P. Smith advised that the Monthly Reports for May and June are available for review.

8. Emergency Management Coordinator – Mr. Fromm advised that they have between 80 and 90 people registered for the ECRIN program. He stated that they will be holding another seminar at Longstown Village and will also have a table during a public presentation to be held by the Fire Company Association during Fire Prevention Week in October. A list of those registered will also be sent to the County.

Mr. Fromm stated that he and his staff have been working online to complete courses as regulations will be changing. He noted that the radio equipment is to be upgraded but has not been done yet. He advised that there has been one confirmed case of the West Nile Virus in York County and reminded everyone to do their part to help reduce the risk.

Mr. Fromm advised that they are receiving good information from the County regarding the H1N1/Swine Flu Virus. He commented that Bernell Kohler has additional information to present on this. Mr. Kohler stated that this will be an uncertain flu season. He explained that this virus

has a different pattern than the normal flu. He went over information regarding symptoms, age groups and statistics. He stated that they will be attending more classes on the flu. Mr. Fromm added that experts are predicting that this flu season may be worse than the last. Mr. P. Smith advised that if information is needed to spread to residents, the Township website can be used.

9. Perry Cisney – Laurel Vistas – Removal of age restriction – Perry Cisney advised that he is the builder and developer for Laurel Vistas. He stated that the development has been open for about a year and a half and he has constructed several model homes in the development. The development was originally planned for a 55+ community but the lots are not being sold as he had anticipated. He noted that he has sold 6 homes and he should have sold 40 by this time. He advised that he is requesting that the Board allow him to remove the age restriction. Mr. Cisney stated that he has spoken with the homeowners in the development to let them know about the hardships that he is facing. All were in favor of allowing the age restriction to be removed.

Mr. Cisney stated that he did extensive market studies in 2004 when he was creating the subdivision. At that time, the 55+ age group was the best market choice. He advised that by the time the streets were paved in late 2007, the building slump had already begun. Many older people lost their savings when the stock market dropped and they are now sitting tight and not willing to spend money building a new home. Mr. Cisney advised that his funding is through M&T Bank and they are in favor of eliminating the age restriction so that the development is open to more potential buyers.

Mr. J. Smith asked if he has received anything in writing from the 6 residents stating that they are in favor of removing the age restriction. Mr. Cisney stated that he only has verbal agreement from them. Mr. J. Smith asked how the Homeowner's Association will be affected. Mr. Cisney stated that the homeowners will be responsible for the maintenance of their individual properties. He advised that he would still be responsible for maintenance of the streets until the Township would adopt them. Mr. J. Smith asked if there would still be a Community Building. Mr. Cisney stated that it would be eliminated and replaced with a play area. Mr. J. Smith questioned how many lots are in the development. Mr. Cisney advised that there are 170 lots. Mr. J. Smith asked if it could be split with half of the development being 55+ and the other half having no age restriction. Mr. Cisney stated that this had also been asked by one of the residents. He explained that if Phase I would be 55+, it would not solve the problem of not being able to sell homes now and the bank would not be willing to finance additional funds to complete Phase II. Mr. J. Smith asked if the homes are priced too high. Mr. Cisney stated that when the project was planned, they did research on housing costs and positioned themselves in the middle. He stated that he currently has two homes priced at \$239,900 and both are Green Certified. He commented that people love the houses and they have won awards but the market has disappeared.

Mr. Heffner questioned if the change would affect the Cluster Overlay. Mr. Cisney stated that the only changes would be the removal of the age restriction and the clubhouse. Mr. Allison advised

that they already have the required open space and the clubhouse is not required. The ordinance does not give regulations as to whether there is an age restriction. Mr. Heffner and Mr. J. Smith advised that they liked the development because it does not add children to the school district.

Mr. P. Smith addressed Alan Emenheiser, who resides in Longstown Village. He asked him how many vacancies are in his development. Mr. Emenheiser stated that six weeks ago there were 10 vacant. Last week there were only 5, two of which had just gone on the market. It was noted that the amenities are similar and the selling price is around \$200,000. The units are 10 to 12 years old.

Mr. J. Smith advised that he would like to see something in writing from the existing homeowners agreeing to the lifting of the age restriction. Attorney Rausch advised that the homeowners would be required to sign off on the Declaration to remove the age restriction. He asked if there are any notes on the plan that specifically state that the development is 55+. Mrs. Gunnet advised that she believes that the only the date of the Cluster Overlay approval is listed but this will be checked. Attorney Rausch stated that he feels the biggest concern is over the maintenance of the common area. He added that he does not feel that the Township has much say in the change.

Mr. J. Smith and Mr. P. Smith both commented that they are disappointed that the development is not working. Mr. Cisney advised that no one is more disappointed than him. He stated that this has been a dream for him. He added that he has lowered prices and offered free upgrades and options. Mr. P. Smith questioned what guarantees there are that he will sell houses even if the age restriction is dropped. Mr. Cisney stated that there are no guarantees. Mr. P. Smith commented that there was consideration in having the Township move in a direction that accommodated the older age group. He feels this is a step backward.

Mr. J. Smith asked what impact this has on the school district. Mrs. Gunnet advised that she did contact the school district to inform them of the potential change.

Mr. Cisney explained that he would like to have the houses prices below the \$200,000 mark similar to Keystone Custom Homes. Mr. P. Smith asked if this type of house could be built for the 55+ community. Mr. Cisney advised that the buyers are not there. He noted that he has considered selling the development and has spoken to a national builder and they will not purchase it.

Mr. P. Smith stated that he would like to think about this before making a decision. Mr. J. Smith agreed. Mr. Allison asked how this affects the preliminary plan being approved for both phases and only a final plan approved for Phase I. Attorney Rausch advised that they can complete work in accordance with the approved plans. Mr. Cisney added that they are not changing any of the lots. Mr. J. Smith asked what type of home he plans to build. Mr. Cisney stated that they would be similar to Allyson's Crossing. He stated that time is essential with the bank and asked what the

next step is. The Board advised that he would be on the agenda for September 21st. Mr. Cisney asked if there is anything that the Board needs in the meantime. Mr. J. Smith advised he would like written agreement from the existing homeowners. Mr. P. Smith added that if there is anything additional that they need, someone will be in touch with him.

10. Rick Yost – Solicitation Ordinance – Rick Yost, 512 West Heatherfield Way, advised that he is fed up with people coming into his neighborhood selling items. He stated that recently a van of kids from Alabama were trying to sell magazines. He commented that when he told them he was not interested, they asked if he would contribute to their college fund. Mr. Yost advised that he has also had dry cleaning bags left on his doorstep and Jehovah's Witnesses present information. He stated that he would like to have signs posted on the streets to prohibit solicitation. He added that he has a friend who lives in Monarch Ridge and she has faced the same issues. He stated that they had tried to force their way into two homes. Mr. J. Smith commented that he has had people approach his house as well.

Sue Burd, 939 Castle Pond Drive, advised that she has lived at her house for 8 years and has been inundated with solicitors selling items from books and magazines to cleaners. She noted that one of the solicitors even sprayed cleaner on her front porch. She added that she has even had to call the Police Department when they would not take no for an answer. She stated that she understands when the boy and girl scouts are selling items and children from the neighborhood are selling items for school but she does not want people from out of the area coming into the Township. She questioned how an ordinance can be created.

Mr. P. Smith advised that if an ordinance is created, it would regulate all solicitation. Attorney Rausch advised that religion cannot be regulated so there is no way to ban Jehovah's Witnesses. He noted that homeowners can post signage on their properties. He added that some municipalities regulate by using restrictions but it is hard to completely ban. Ms. Burd stated that the Police Department told her that some municipalities do regulate solicitation.

Mr. Yost asked if there is an ordinance. Mr. Allison advised that there is not an ordinance. However, the Township asks that they contact the Police Department to let them know that they will be out. Ms. Burd asked if an ordinance can be created with some restrictions. Attorney Rausch noted that if it is for a commercial product, they would be required to obtain a permit and this would allow the Police Department to check if it is legit. He stated that if they are asked to leave the property and do not, the Police Department should be called.

Rebecca Haas, 5 Sheldon Drive, stated that she feels that if an ordinance is created, it should also address people standing at intersections collecting money. She commented that it is a safety issue.

The Board agreed to take the matter under advisement. Ms. Burd asked what the procedure is to create an ordinance. Attorney Rausch advised that an ordinance would need to be drafted, then

discussed at a public meeting, advertised and then adopted. Ms. Burd asked why developments could not be posted. Attorney Rausch advised that an ordinance would need to be created to enforce the signs.

11. Kevin Downs – Spring Valley Pool Site – Mr. Downs was not present.

12. Plan for Approval:

- A. **PYXOS PROPERTIES, PROPOSED ACCESS DRIVEWAY – Final Land Development Plan #2008.0037 by LSC Design, off Walnut Street** – Mr. Allison advised that the Board had previously approved a plan for Pyxos Properties to add an addition to the existing building. This plan proposes an access driveway between the location on Walnut Street and Boxwood Road. Mrs. Gunnet reminded the Board that this is Specialty Industries. Andy Miller with LSC Design advised that the access drive will be 24' wide and will be private. Mr. Allison stated that the storm water agreement will need to be approved as well. The property owner has signed it and has had it notarized. Mrs. Gunnet explained that this provides funds to pay for the Township to have detention ponds inspected. **On the motion of Jan Smith seconded by Dean Heffner, the Board approved the Stormwater Agreement and the plan. Motion carried. Three votes yes.**

13. Solicitor:

- A. **Proposed Ordinance – Repeal of Section 204 – Cluster Overlay Zone** – Attorney Rausch advised that at the last meeting, the Board had agreed to repeal the Cluster Overlay Zone section from the Zoning Ordinance. He stated that he has drafted an ordinance for review. It will need to go before the Windsor Township Planning Commission and the York County Planning Commission and then be presented at a public meeting before adoption. **On the motion of Jan Smith seconded by Dean Heffner, the Board approved for the Cluster Overlay Zone to be repealed. Motion carried. Three votes yes.**

Rebecca Haas, 5 Sheldon Drive, asked why this section is being eliminated. It was advised that the Board is unhappy with the current regulations and until changes are able to be made to the section, they would like it removed. Mrs. Haas asked if developers would still be able to do traditional developments. Attorney Rausch advised that traditional developments are acceptable and open space can still be proposed in a development.

- B. **Manhole & Wet Well Rehabilitation bid results** – Attorney Rausch advised that at the last meeting, the Board had awarded the Manhole and Wet Well Rehabilitation bid to the low bidder subject to receiving necessary materials. He stated that the Township had

received a letter from Abel Recon contesting the bid submitted by PIM Corporation. They believe that the bid is in violation because it did not include two items that were required. All of the other bids included these items. Attorney Rausch advised that the bid from PIM was in the amount of \$90,363.70 and the bid from Abel Recon was \$91,699.59. He stated that after review, he feels that PIM Corporation is not a responsive bidder. **On the motion of Jan Smith seconded by Dean Heffner, the Board rejected the bid submitted by PIM Corporation due to not being responsive. Motion carried. Three votes yes.**

Attorney Rausch advised that the Board can now award the bid to the next lowest bidder or put it out for rebid. The Board agreed that the cost to rebid would add up. **On the motion of Jan Smith seconded by Dean Heffner, the Manhole and Wet Well Rehabilitation bid was awarded to Abel Recon. Motion carried. Three votes yes.**

Mr. P. Smith asked who opened the bids. Mrs. Gunnet advised that she and Mr. Trout had.

- C. Expiring Surety – Linkous Builders – Windsor Meadows – Attorney Rausch advised that the lots in Windsor Meadows were up for foreclosure. He stated that a bond and Site Improvement Agreement were approved for the development. A bond does not have an expiration date. He noted that the Township could declare forfeiture but he recommends that no action be taken at this time. He advised that even if the bank would buy back the lots, they would likely be put up for sale. Mrs. Gunnet asked if Linkous Builders would be able to cancel the bond without the Township knowing. Attorney Rausch advised that they could not. Mr. Trout commented that he hates to see the development sit too long with just a binder course. Attorney Rausch noted that he will follow up on the results of the Sheriff's Sale.

14. Township Engineer:

- A. **East Prospect Road – Curve realignment** – Mrs. Gunnet advised that the Board had discussed the issue with the location of the sewer main regarding the realignment of the curve on East Prospect Road at the last meeting. She stated that she has received additional information regarding reimbursement for the required work. She noted that the best the Township can apply for is 50% reimbursement. Mr. P. Smith advised that he would like to have Representative Saylor involved. Mrs. Gunnet noted that it is State law that the Township can only receive half. She added that there are only certain situations that allow for 100% reimbursement. Mr. P. Smith questioned why Mr. Reichard did not know this. Mrs. Gunnet stated that the letter from PennDOT stated that we could receive full reimbursement. She advised that she will contact Representative Saylor.

15. Public Works:

- A. Mr. P. Smith advised that the Board has received the Monthly Report for July. He asked the Board if they had any questions. Mr. J. Smith asked that Mr. Trout list meetings he has held throughout the month, including who with and the purpose.
- B. Cat loader repairs & Skid loader info requested by Board – Mr. Trout advised that he will be working with Mr. J. Smith regarding price negotiation. Mr. J. Smith stated that they will be going to meet with Cleveland Bros. Mr. Heffner commented that he feels that the Cat is the best choice. Mr. Trout noted that he feels the price for the Cat is in line with the others.
- C. The Board discussed several dates to meet with the Public Works employees for their quarterly meeting. It was decided on Tuesday, September 22nd at 2:00 p.m.
- D. Discussion regarding leaf vac – Mr. P. Smith advised that the Board has received additional information. He commented that he would like to see the piece of equipment in action. It was noted that the piece of equipment from North Londonderry Township is from Old Dominion Brush and has several attachments. Mr. Trout stated that there are different box sizes. There was discussion regarding two trucks versus a rollback. Mr. Heffner commented that the one looks top heavy. Mr. Trout stated that they have told him that it is not. He advised that he will find a time and location to look at the equipment.

16. Public Works Building:

- A. Change Order – eci – G-16 – Modification to stone release channel – \$6,565.05 – Mrs. Gunnet advised that the change order is in regards to the post construction conversion of the storm water pond. The rock discharge area is higher than it should be. The Board questioned who is at fault. Mrs. Gunnet advised that the engineering was wrong so it would be LSC Design's error. Mr. J. Smith stated that he feels LSC Design needs to own up to the mistakes and pay for the additional expenses.

Mr. P. Smith asked the status regarding the issue with the trench drains. Mrs. Gunnet advised that Herre Bros. and LSC Design are working it out. Mr. J. Smith stated that he would like to know when the meetings are being held between them.

On the motion of Jan Smith seconded by Dean Heffner, the Board rejected the change order. Motion carried. Three votes yes.

17. Other Business:

- A. Mr. P. Smith advised that the September 7th meeting has been cancelled and the next Board meeting will be held on September 21, 2009 at 6:00 p.m.
- B. Mr. P. Smith advised that the Board has received the Township Manager's Report for July. He asked the Board if they had any questions. Mr. J. Smith asked how the ARD person is working out. Mrs. Gunnet advised that she has until the middle of October to complete 30 hours and has only been to the office twice. She commented that many ARD people are unreliable and many do not have driver's licenses. Mr. J. Smith asked about the quality of the work. Mrs. Gunnet stated that she has cleaned. She added that she always asks if they have any physical limitations.

Mr. J. Smith questioned that Red Lion Borough is not willing to pay toward the Joint Stormwater Drainage study. Mrs. Gunnet stated that the Manager spoke with the Borough Council and they are not willing. Mr. Heffner commented that he was in the Craley Road and East Gay Street area and he is not sure that all the water is coming from Red Lion Borough. There was discussion as to where the water may be coming from. Mr. Heffner added that the State did not fix the area where it had been washed out.

Mr. J. Smith asked what the SMART Transportation workshop was about. Mrs. Gunnet explained that it involves the municipality being a part of the Highway Occupancy Permit process from the beginning. She stated that in some cases a Highway Occupancy Permit is issued even before the Township is contacted about a project. This would no longer happen.

- C. Mr. P. Smith advised that the Zoning Report for July is available for review. Mr. J. Smith asked why the inspection at Ezio's Way failed the first time. Mr. Allison advised that the entire sidewalk was not dug out and there was only a portion of the sidewalk that was stoned at the time of inspection.
- D. Mr. P. Smith advised that the Dog Officer's Report for July is available for review.
- E. **Adoption of Streets in Cambridge Heights – Resolution #09R-08-03** – Mrs. Gunnet advised that Cambridge Heights is the development between Kendale East and Windsor Pointe. She noted that they have met all of the conditions from C.S. Davidson and posted the structural integrity bond. **On the motion of Jan Smith seconded by Dean Heffner, the Board approved Resolution #09R-08-03 to adopt the streets in Cambridge Heights. Motion carried. Three votes yes.**

F. Resolutions Accepting the Offer of Dedication:

- 09R-08-04 – STEVEN H. SCHIDING – Ness Road
- 09R-08-05 – WILLIAM J. FORBES – Ruppert Road
- 09R-08-06 – WILLIAM J. FORBES – Kendale Road
- 09R-08-07 – WILLIAM J. FORBES – Steinfelt Road
- 09R-08-08 – CHARLES H. & LOIS R. FLINCHBAUGH – Springvale Road
- 09R-08-09 – LEAH E. SPYKER ESTATE – Manor Road
- 09R-08-10 – JOHN F. & RUTH G. MYERS – Newcomer Road
- 09R-08-11 – JOHN F. & RUTH G. MYERS – Bahn's Mill Road
- 09R-08-12 – JULIA BARBARA FREY – White Oak Road
- 09R-08-13 – LITTLE CREEK FARMS – Dull Road
- 09R-08-14 – MARGARET M. WHIPP – Dietz Road
- 09R-08-15 – SUSAN A. & STEPHEN E. GRIMEK – East Prospect Road
- 09R-08-16 – RUSSELL L. & DARLENE DENNIS – White Oak Road
- 09R-08-17 – SPRINGVALE U.E. CHURCH OF WINDSOR TOWNSHIP – Springvale Road
- 09R-08-18 – SPRINGVALE U.E. CHURCH OF WINDSOR TOWNSHIP – Circle Drive
- 09R-08-19 – KENNETH L. & LINDA REXROTH – Gebhart Road
- 09R-08-20 – CHARLES M. VITZ – Holtzapple Road
- 09R-08-21 – MICHAEL & MIMMA CALTAGIRONE & LORNE E. & MARIJA MAUL – Christensen Road
- 09R-08-22 – ARTHUR BAKER – Boxwood Road
- 09R-08-23 – TERRY L. & SALLY P. WILSON – Bethlehem Church Road
- 09R-08-24 – EDGAR D. & LINDA A. REED – Dyan Drive
- 09R-08-25 – HARRY RAMAGE – Kendale Road
- 09R-08-26 – DIRK L. POSEY – East Gay Street
- 09R-08-27 – CHARLES R. & KAREN L. KELLEY – Dietz Road
- 09R-08-28 – RICHARD E. & JOAN L. AXE – Witmer Road
- 09R-08-29 – JOHN E. & SANDRA L. KOHLER – Steinfelt Road
- 09R-08-30 – ALBERT J. HOWARD, JR. & O. VIRGINIA HOWARD – East Prospect Road

Mrs. Gunnet advised that it has been brought to our attention that the Township should have been adopting the right-of-way for all plans that are approved except for developments. She explained that you are only able to do this for 21 years after the plan is recorded. She stated that the Board will see a listing of Resolutions on the next several agendas as the information is covered from the oldest to most recent. **On the motion of Jan Smith seconded by Dean Heffner, the Resolutions were approved. Motion carried. Three votes yes.**

- G. **Negotiation of cable franchise agreement** – Mrs. Gunnet advised that it had been brought before the Board previously regarding the negotiation of the cable franchise agreement. She stated that there were two quotes obtained. There was a flat rate of \$2,500 from Stock and Leader and a quote based on the number of municipalities from Cohen Law Group. She explained that this has been discussed at the Manager’s meetings and Dave Raver of Manchester Township has researched this further. She stated that Dan Cohen is much more knowledgeable because he works specifically with franchise negotiations. Attorney Rausch noted that this field has become more complicated over the years. Mrs. Gunnet stated that Dover, Springettsbury and Manchester Townships have already entered into an agreement with Cohen Law Group. If the Township would enter into an agreement, the cost would be \$4,200. Mr. J. Smith advised that after reviewing the information and speaking with people about this topic, he feels it would be best to contract with Cohen Law Group since it is their specialty. **On the motion of Jan Smith seconded by Dean Heffner, the Board agreed to have Cohen Law Group negotiate the cable franchise agreement. Motion carried. Three votes yes.**
- H. Date for Budget Workshop – Mrs. Gunnet advised that she has been looking ahead toward budget time and was looking to set a date. The Board questioned if a prebudget workshop would be beneficial. Mrs. Gunnet stated that she normally starts working on the budget after the Board meeting in September. Mr. P. Smith asked if a meeting could be held prior to the meeting with the Public Works Department. The Board agreed to hold a prebudget meeting on September 22nd at 12:30 p.m. It will be decided at that meeting when the regular budget workshop will be held.
- I. Park Rules & Regulations – Possible revision – Mr. P. Smith advised that there have been problems with skateboarding at the park. There have been skateboards damaging the play equipment. He stated that he feels they should not be allowed, especially for the safety of others. It should be added to the ordinance board at the park. Mrs. Gunnet advised that the rules would also pertain to the Township Office property. She noted that she drafted the ordinance as skateboarding, rollerblading and other similar activities. The ordinance will need to be advertised. Mr. Heffner stated that he understands that kids do not have many places to go for skateboarding, but agreed with Mr. P. Smith that they should not be destructing property.
- J. Mrs. Gunnet questioned how quickly the Board would like to have the Bahn’s Mill Road facility demolished. The Board agreed that they would like to have it done as soon as possible.
- K. **Expiring Surety – Windsor Pointe, Phase I** – Mrs. Gunnet advised that the surety for Windsor Pointe will expire on September 1st. She stated that she has spoken with Mr. Pasch and he intends to renew it but will do it closer to the expiration to save money. She

recommended that the Board authorize collection of the surety if he does not renew it. **On the motion of Jan Smith seconded by Dean Heffner, the Board authorized to collect on the Letter of Credit if it is not renewed. Motion carried. Three votes yes.**

- L. Possible rental of acreage – Mrs. Gunnet advised that she has been contacted by Jack Dehoff, regarding the possible farming of the land that the Township just purchased from Mark Sowers. She stated that he is interested in planting in the spring. She noted that in 2004, the Township rented land to him for \$65 per acre. She added that the current rate is \$75 per acre for prime land, which this is not. Not all 20 acres could be used due to the terrain.

Mr. Heffner stated that Springettsbury Township will likely have excess soil from the excavation for the treatment plant upgrades. He commented that the Township may be able to get soil from them to level some of the land. Mrs. Gunnet advised that the Township would need a sediment and erosion control plan before any dirt could be brought to the land. She added that a portion of the stockpile that is at the building will be used to convert the detention pond. Mr. P. Smith advised that the Township will need to get serious about the land and what is planned for it. Mrs. Gunnet noted that Modern Landfill did all the excavation work at no cost for Freysville Park.

Mr. P. Smith asked if a community building was to be constructed there, what would be necessary. Mr. Trout advised that the ground would need to be compacted and the rates would need to be determined. He stated that if a building was going to be constructed, it would be important to watch how much soil is being brought in. Mrs. Gunnet suggested looking at the land more thoroughly at the September 22nd meeting with the Public Works Department. Mr. Heffner commented that he does not know when the soil could be available. Attorney Rausch advised that their financing will be approved this year or early next year so they may be starting work soon. Mrs. Gunnet advised that she will contact Mr. Dehoff.

- M. **Kimberly Lawn Care** – Mrs. Gunnet advised that she has received the estimate for the fall lawn care. It is \$80 more than last fall. **On the motion of Jan Smith seconded by Dean Heffner, the Board approved the fall estimate in the amount of \$3,609. Motion carried. Three votes yes.**
- N. Mr. Allison advised that he has received a request from Pam Shellenberger with the York County Planning Commission to extend the 45 day review period for the Joint Comprehensive Plan. She stated that they have a high volume of plans submitted in September and feel that if the time frame is extended, they will have a more thorough review. They are requesting an extension until their October 6th meeting. Mr. P. Smith asked if there is an issue with the delay. Mr. Allison stated that it is only a time delay and

Windsor Borough has stated that they do not have an issue with it. It was the consensus of the Board to extend the time frame.

18. Unfinished Business:

- A. Panorama Hills Pump Station Update – Mrs. Gunnet advised that the engineering fees are 12.8% of the total cost. Mr. Reichard is unable to negotiate the engineering fees and recommended that the Board meet with Mr. Klinedinst. Mr. P. Smith asked if the Township is supposed to be taking over the project and if Mr. Holweck is backing out. Mrs. Gunnet stated that Mr. Holweck has been moving slowly on the project. No additional work has been done on obtaining right-of-ways. Mr. Heffner commented that he does not want individual sewage treatment plants. Mrs. Gunnet added that if an upgrade is not done, additional pump stations could be required. Mr. Heffner stated that he has no problem meeting with Mr. Klinedinst. Mr. P. Smith advised that he would like to speak with Mr. Holweck first.
- B. Joint Stormwater Drainage Study – Verbal notice of approval – Mrs. Gunnet advised that as previously discussed, Red Lion Borough is not interested in participating. She stated that she will continue to proceed.
- C. **Verification of building setback compliance – Ordinance No. 09-08-01** – Mr. Allison advised that the ordinance has been advertised for adoption. There were no significant changes. The only item that was changed was the method of enforcement. Mrs. Gunnet added that this is the method that the Township took to comply with the FEMA regulations for flood plains. Mr. Allison stated that he attended a seminar recently and found that other states have already been requiring asbuilts. He noted that Pennsylvania does not currently require them but could in the future. **On the motion of Jan Smith seconded by Dean Heffner, the Board approved the Ordinance. Motion carried. Three votes yes.**

Rebecca Haas, 5 Sheldon Drive, asked if this was amended to ensure setback compliance. It was stated that it was.

- D. American Recovery & Reinvestment Act – Projects submitted & Hybrid vehicles – Mrs. Gunnet advised that the projects submitted for Huson Road, Taylor Road and the Starview Detention Pond have been denied. The only ones approved for this area are in York Township and North Hopewell Township. Mr. P. Smith asked if there would be another run. Mrs. Gunnet advised that the next program is for loans, not grants. She questioned if the Board would like to apply for a loan. They did not wish to. Mr. P. Smith commented that York Township's project was for a park that was already approved on their books.

Mrs. Gunnet added that a farm had been donated to them for a park. The Board thanked the staff for their work on the grant applications.

- E. Proposed Open & Confined Burning Ordinance (Draft #3) – Mr. P. Smith advised that representatives from DEP will be at the October 5, 2009 meeting.
- F. Fence at calcium chloride storage tanks – Tabled.
- G. Herre Bros. – Trench drains – Mrs. Gunnet advised that as previously discussed, she will let the Board know when Herre Bros. and LSC Design will be meeting. Mr. Heffner commented that it seems that Herre Bros. seems to be pushing off the issue.
- H. Optional Sales Tax – There was no update.
- I. Accelerated Rehabilitation & Development (A.R.D./Inmate Work Crew – Mrs. Gunnet advised that Attorney Rausch had given her information regarding an Inmate Work Crew. She stated that it is a group of 11 inmates that do the work. She noted that they must be under the supervision of armed guards. Mr. J. Smith suggested having them work on the Starview Detention basin. Mr. P. Smith asked if we could do work on the basin. Mrs. Gunnet advised that the Township would need permission from the property owner. Attorney Rausch stated that it could be done with the consent of the property owner or by the Weed Ordinance regulations. Mr. Allison advised that the Weed Ordinance could not be used to address the trees, only the grass in excess of 12”. Attorney Rausch advised that he would need to look at the ordinance to see if there is an exception. Mr. P. Smith stated that he feels this benefits the health and welfare of the residents.

The Board questioned the regulations for the inmates. Mrs. Gunnet advised that they go before a review panel to be approved. They must not be an escape risk and could not be jailed for a serious offense. She added that there is no liability to the Township. **On the motion of Jan Smith seconded by Dean Heffner, the Board approved for Mrs. Gunnet to contact the Sheriff’s Office to pursue this program with the condition that the Township can legally go onto the property. Motion carried. Three votes yes.**

- J. Windsor Area Recreation Commission – 2007 Audit – Mrs. Gunnet advised that she looked into the difference in the end of the year balances. She stated that the one is the balance in the bank and the other is the amount in the checkbook. The difference is due to outstanding checks.
- K. Danny Chronister – 3807 Starview Drive – Mrs. Gunnet advised that she pulled the deed for Mr. Chronister’s property and there is no information regarding easements. The Board agreed that the Township is not responsible for enforcing deed restrictions and this would

be a civil suit between Mr. Chronister and the builder. Mr. J. Smith asked how the Township can control this in the future. Mr. Allison advised that this happens all the time. Mrs. Gunnet advised that it is noted on the subdivision plans if there are covenants or not.

L. Starview Detention Pond – Discussed under 18 I.

M. **Installation of lights from the Freysville School** – Mr. Heffner advised that he spoke with the electrician regarding the installation of the lights. He stated that he will be running conduit which will take time and a programmable timer will be included. He stated that he feels the quote is reasonable. Mr. J. Smith commented that he feels it is important to keep the lights. Mr. Heffner added that he thinks it will look nice when completed. **On the motion of Jan Smith seconded by Dean Heffner, the Board approved the quote and installation of the lights. Motion carried. Three votes yes.**

N. Knox Box Ordinance – Discussed under item 6.

O. Cluster Overlay revision – Discussed under 13 A. Mr. P. Smith advised that the repealing of the section will be advertised. It was questioned if the section should be rewritten. Mr. Heffner stated that if Mr. Allison has time to work on it, he could. Mr. Allison questioned how to proceed. Mrs. Gunnet added that when the Comprehensive Plan is approved, changes may need to be made to the Zoning Ordinance.

19. Public comment – There was none.

20. Mr. P. Smith asked the Board if they had any comments.

Mr. Heffner advised that he has looked over the current regulations for the parking of recreational vehicles as well as the changes proposed in the memo the Board received from Mr. Allison. He stated that he feels the regulations are too restrictive, especially for developments like Chatham Creek. He commented that he feels that if they are parked outside the right-of-way, it is sufficient and added that he does not see an issue with a trailer or boat parked in a driveway.

Mr. Allison asked the Board if they had any questions on the information that he sent. Mr. J. Smith stated that he is not ready to discuss the issue but feels it should be addressed. Mrs. Gunnet noted that the sidewalks are within the right-of-way so they would not be obstructed. Mr. Heffner stated that he feels campers are no worse than large vans when dealing with obstruction of view.

Mr. P. Smith asked how far these regulations go back. Mrs. Gunnet stated that she believed it started in 1992 but was not sure. Mr. J. Smith advised that he does not feel bad for those in Chatham Creek that cannot park their recreational vehicles at their house because they should have known what the regulations were. He added that if you remove the restriction, where do you draw

the line. He commented that near his house, there is a property that has two cars parked on the street and a boat parked beside the house with weeds growing around it. He stated that he feels it decays the neighborhood. He added that he understands that a neighbor may feel the same way about his shed.

Mr. Heffner stated that he would like the regulations to be less restrictive but agrees that they should not be lived in. Mr. Allison advised that there is a lot of flexibility for a regulation. Mr. J. Smith commented that there was an issue with a camper being parked on the street in his development. Mr. Allison noted that the current regulations exempt the Agricultural zone even though there are developments within it. Mr. Heffner stated that he feels that the Township is making enemies and that some neighbors do not like to turn in other neighbors. Mr. Allison noted that the majority of the violations were not based on complaints. The Board advised the topic to be placed under unfinished business.

Mr. J. Smith did not have any comments.

Mr. P. Smith advised that at the last Windsor Area Recreation Commission is was discussed that the Township may want to change their representative. He questioned if this was the case. Mr. Heffner stated that he feels he may have caused the question because he commented that he may attend a meeting.

Mr. P. Smith advised that he would like to address the fence at Workinger Field. He stated that when the dugouts were constructed, the protected seating was eliminated. Mr. Heffner commented that most fences run from first base to third base. Mr. P. Smith noted that the ballfields at Pleasant View Elementary School have a lot of additional fencing. Mr. Heffner asked if it would affect the soccer fields if fencing was added. Mrs. Gunnet stated that she did not think it would. Mr. P. Smith suggested adding an additional 18' on each side. Mrs. Gunnet noted that when they did preliminary measurements, they went 25' on one side and 40' on the other. The Board discussed the height of fencing. Mr. Heffner recommended 6'. Mr. J. Smith thought 4' would be high enough. Mr. Trout suggested 8'. Mr. Allison advised that the maximum would be 6' based on the requirements of the Zoning Ordinance. The lengths of the fencing were discussed as it was unsure how long each panel was. The Board advised that they would like to have two quotes.

Mr. P. Smith advised that the Executive Board for the Second Class Township have decided that they would like to travel from Township to Township to hold their meetings. A meal is to be provided at each meeting. The next meeting will be held at the Township. He stated that he does not feel that the Township should be responsible for paying for the meal and feels that the association should be billed for the costs. The Board agreed with this.

21. Mr. J. Smith questioned what work was done at Baker & Son Service Center. Mrs. Gunnet advised that it was for the 1997 van. Mr. Trout explained that the air conditioning had stopped working and the transmission was flushed. Mr. Heffner asked if the price for uniforms changes when they are not wearing pants in the summer. Mrs. Gunnet advised that the cost is the same. She noted that they have uniform shorts also. Mr. J. Smith asked if the bills list could be put in the packets on Friday. Mrs. Gunnet commented that when holding only one meeting a month, bills are still entered on the day of the meeting. She questioned the addition of these invoices to the list. Mr. J. Smith did not have a problem with this. **She stated that the bills list can be included in the packets. On the motion of Jan Smith seconded by Dean Heffner, the bills were approved. Motion carried. Three votes yes.**

22. The meeting of the Windsor Township Board of Supervisors adjourned at 9:12 p.m.

Respectfully submitted,

Jennifer L. Gunnet
Secretary

CITIZENS PRESENT

August 17, 2009

Vera Miller	830 Marvell Drive York PA
Elmer Fromm	50 Oak Drive Red Lion PA
Bernell Kohler	454 West Main Street Dallastown PA
Daniel Orwig	Windsor Township Fire & Rescue
Bill Bashore	Crosswinds Assoc. Dev. Co., Inc. Lancaster PA
Gene Zimmerman	860 Zimmerman Road Red Lion PA
Bobbie Zimmerman	860 Zimmerman Road Red Lion PA
Allen Emenheiser	1027 Hastings Boulevard York PA
Yvonne Emenheiser	1027 Hastings Boulevard York PA
Rick A. Folkenroth	4012 Charity Drive Red Lion PA
Diane Folkenroth	4012 Charity Drive Red Lion PA
Andrew Miller	LSC Design
Charles Wilson	1105 Windsor Road Red Lion PA
Rick Yost	512 West Heatherfield Way Red Lion PA
Rebecca Haas	5 Sheldon Drive Red Lion PA
Susan Burd	939 Castle Pond Drive York PA
Perry L. Cisney	1721 Paulson Drive York PA
Timothy F. Pasch	2645 Carnegie Road York PA
Karin Ellinger	210 Meggon Road Red Lion PA
Officer Michael Zinn	York Area Regional Police Department