

WINDSOR TOWNSHIP BOARD OF SUPERVISORS

August 19, 2019

1. The meeting of the Windsor Township Board of Supervisors was called to order by Chairperson Dean Heffner at 6:03 p.m.

Those present: Dean Heffner, Kathy Kerchner, Rodney Sechrist, Attorney Charles Rausch, Christopher Kraft, P.E., 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 Kathy Kerchner seconded by Rodney Sechrist, the minutes from the July 15, 2019 meeting were approved. Motion carried. Three votes yes.
4. The following items of correspondence were presented:
 - A. Mrs. Gunnet advised that any Form U applications that had been received from Modern Landfill would be on the counter in the rear of the room.
 - B. Mrs. Gunnet advised that she has received a letter from Felicia Dell with the York County Planning Commission opposing the passing of House Bill 103 which has now been sent to the Senate. This Bill would allow for the transfer of land without the approval of a subdivision. She stated that the Township also opposes this Bill. Mr. Kraft added that C.S. Davidson agrees. Mrs. Gunnet advised that she is requesting approval from the Board to contact Senator Phillips-Hill. The Board agreed to send a letter of opposition to the Bill.
 - C. Mrs. Gunnet advised that she has received a letter from Kaltreider-Benfer Library thanking the Board for their donation.
 - D. Mrs. Gunnet advised that she has a copy of the Yoe Volunteer Firemen's Relief Association audit from the Department of the Auditor General. The audit covered the period of January 1, 2016 to December 31, 2018. Two previous finding had been corrected. There was one new finding. An account was opened up incorrectly using the wrong name but the Relief Association EIN. This will be corrected.
 - E. Mrs. Gunnet advised that the York County Association of Townships of the Second Class will be holding their annual convention on November 14, 2019. She asked the Board to let her know if they will be attending so she can RSVP.
5. Windsor Township Fire & Rescue Association – Jim Pritchard was present. He stated that the fire hydrant painting that the scout had been doing has been completed. He commented that he had only received one complaint and it was from a lady who had painted the fire hydrant to match her house. Mrs. Gunned stated that she had also spoken with her and had also been contacted by others who were happy about the painting.

Mr. Pritchard reported that the fire companies will be doing joint training with the police department regarding mass shootings.

A. Mr. Pritchard advised that the next Fire Chief's meeting will be held on Thursday, August 22, 2019 at 7:00 p.m. at Windsor Fire Company.

B. Merger – Update – Mr. Pritchard advised that the by-laws were accepted. The operating procedures are halfway completed and once done a vote will take place.

6. York Area Regional Police Department – Chief Damon was present. He stated that there was a fatal automobile accident on Windsor Road near the television station. He commented that there have several fatal accidents in this area. There are frequently accidents in the curve north of Taylor Estates on Freysville Road as well. He stated that rough surface treatment had been applied to Windsor Road in two other locations and he feels it would be beneficial in these areas as well. He questioned how the application was requested. Mrs. Gunnet advised that it had been proposed by the fire companies and they had contacted PennDOT. She stated that she would get the contact information and forward to him.

Chief Damon advised that he had received several requests to ban jake brakes on Freysville Road and East Prospect Road. Mrs. Gunnet stated that PennDOT has been contacted in the past regarding jake brakes and she was informed that if the grade exceeds a specific percentage then they cannot be restricted. After discussion it was determined that the locations in question would exceed the percentage as there are hills nearby.

A. The monthly report is available for review.

7. Rob Donatelli – Closing a section of Wheatlyn Road for a block party – Mrs. Gunnet advised that Mr. Donatelli had contacted her to inform her that he would not be present at the meeting but asked that the Board address his request. She stated that the Board has received the information. She commented that Lot 16 is within the closed area and when she requested how this would be addressed Mr. Donatelli informed that barricades would be put up but they would not close the driveway. Only tables and chairs would be put in the roadway. Mr. Heffner stated that after the failure in Windsor Crossing, he is not in favor of closing the roadway. It was the consensus of the Board to deny the request to close a section of Wheatlyn Road for a block party.
8. Public Hearing – Zoning Ordinance Amendment – Ordinance #2019-08-01 – Daycare regulations and miscellaneous other provisions – Mr. Allison called the Public Hearing to Order. He stated that this amendment addresses various amendments. He stated that there are changes and additions to the definitions. There are spelling corrections and section number corrections throughout the Ordinance as well. The regulations for daycares are also being amended to more closely match those from the State. He asked if there were any questions. Being none, the Public Hearing was closed. On the

motion of Dean Heffner seconded by Rodney Sechrist, the Board approved Ordinance #2019-08-01. Motion carried. Three votes yes.

9. Solicitor:

A. Gemcraft Homes – Taylor Estates, Phase 2 detention pond – Attorney Rausch advised that he received an update on August 12th that they are working on the embankment. Mr. Allison stated that they are preparing to install the outlet structure and end wall this week. He added that they will soon have three completed houses that will not have a Certificate of Occupancy so there is incentive to complete the work.

10. Township Engineer:

A. Windsor Manor Pump Station Phase-Out – Update – Mr. Kraft advised that he had received an update from Attorney Rausch that the bankruptcy attorney has not filed a motion to have the easement approved. He noted that a Change Order will be required with the contractor in regards to the timeframe. Mr. Heffner commented that the work may not be completed this year. Mrs. Gunnet questioned how to handle the time extension. Attorney Rausch suggested waiting until the original contract is closer to expiration. In the meantime, the contractor can submit a payment request for the materials that were purchased.

B. Community Center – Update, Final Building Layout & Asbestos Analysis Report – Mr. Kraft advised that the Board has received a copy of the final layout. He stated that a cost estimate is being prepared. Mrs. Kerchner asked if the proposed pavilions are existing or if they will be new construction. Mrs. Gunnet advised that they are the existing ones and have been verified to be structurally sound. Asbestos has been found in the flooring, ceiling and caulk in the pool. A quote from Compleat has been received in the amount of \$14,665 to remove the asbestos and pool chemicals. This is over the bidding limit. Mr. Kraft advised that it could be added to the invoicing from C.S. Davidson but it would include a markup. Mr. Heffner questioned if there is any benefit to having the work completed now. Mr. Kraft stated that there is not as the asbestos can be removed with the building demolition. He noted that the pool chemicals could be removed now. It was the consensus of Board to have the removal included in the bid.

C. Kensington, Phase 2A – Sewer main cost sharing & Easement – Lori Gilbert – Mr. Kraft advised that he has reviewed the proposals from York Excavating Company and feels that the difference of \$34,499.69 for the lowering of the main is fair. On the motion of Dean Heffner seconded by Kathy Kerchner, the Board approved the cost sharing amount with Keystone Custom Homes. Motion carried. Three votes yes.

Mrs. Gunnet advised that Mrs. Gilbert owns the property at the corner of Ness and Dietz Roads. The sewer line will need to go across her property. Mr. Allison advised that he spoke with her regarding this and she was receptive but she would like to have her landscaper complete the

restoration work since it was recently completed. Mrs. Gunnet stated that Mrs. Gilbert is also requesting that the Board waive the tapping fee to connect to public sewer as she will be required to connect. This amount is \$2,515. The amount that she would be compensated for the easement would be \$285. She added that she does not feel that she should be compensated with both amounts. Attorney Rausch questioned if there is a cost for the restoration. Mr. Kraft stated that since the work was done recently, she may have the quote or invoice that she could provide.

- D. Milner Heights Detention Pond Retrofit – Change Order – Mr. Kraft advised that the water is ponding instead of draining from the pond. He explained how the pond functions. He noted that a standup pipe will need to be added. He noted that the amount of the change order was negotiated from \$30,000 to \$22,200. Mrs. Gunnet advised that the Township has not paid anything toward the construction work as this was a joint project with the Red Lion Municipal Authority and was a County Stormwater Consortium project. Mr. Allison advised that the work needs to be completed in order for the pond to drain and function properly. On the motion of Dean Heffner seconded by Rodney Sechrist, the Board approved the Change Order. Motion carried. Three votes yes.

11. Public Works:

- A. Mr. Heffner advised that the Board has received the monthly report for August. There were no questions.
- B. Sale of Suzuki – Mrs. Gunnet advised that the 2003 Suzuki was placed on Municibid. The high bid is in the amount of \$925 to Lenny Sematoske. It was noted that it was purchased in 2005 for \$9,500. On the motion of Dean Heffner seconded by Kathy Kerchner, the Board awarded the sale to the high bidder. Motion carried. Three votes yes.
- C. Fence at Springvale Pump Station – \$10,800 – Mr. Trout advised that the fencing needs to be replaced at the Springvale Pump Station. It will be redesigned to accommodate the vac truck as well. He noted that it was not included in the budget but there are funds available in the pump station improvements fund. On the motion of Dean Heffner seconded by Kathy Kerchner, the Board approved the purchase fencing in the amount of \$10,800 for the Springvale Pump Station. Motion carried. Three votes yes.

12. Other Business:

- A. Mr. Heffner advised that the Board has received the Zoning Report for July. There were no questions.
- B. Mr. Heffner advised that the Board has received a copy of the Township Manager Report for July. There were no questions.

- C. Mr. Heffner advised that the Board has received a copy of the Animal Control Officer's Report for July. There were no questions.
- D. Mr. Heffner advised that the meeting scheduled for September 2, 2019 will be cancelled.
- E. Windsor Area Recreation Commission – Update – Mrs. Kerchner advised that she does not have anything to report.
- F. Shred-It Event – Mr. Heffner advised that a shredding event will be held on Saturday, November 9, 2019 from 9:00 a.m. to 12:00 p.m. at the Township Office. The event will be for Township residents only and there will be a limit equivalent to two paper boxes.
- G. Kyle Truett – Eagle Scout Project – Update – Mrs. Gunnet advised that Kyle Truett has completed the painting of the fire hydrants. There was extra paint which he has donated to the Township. He raised \$144.60 toward the project. The balance is \$366.29 which the Board had agreed to reimburse if not enough funds were raised. This request is on the bills list.
- H. Setting of 2020 Budget Workshop dates – After discussion it was decided to hold the budget workshops on October 8th at 12:00 p.m. and November 6th at 12:00 p.m.
- I. Certificates of Deposit with Morgan Stanley – Mrs. Gunnet advised that the Township's broker with Morgan Stanley was confident that they were going to be able to keep the accounts since they are all Certificate of Deposits and this has been confirmed. However, they have a new procedure because First State Trust Company from Delaware will be handling the accounts. There will be an annual charge of \$7,650 plus \$12 per check or ACH transaction. Mrs. Gunnet estimated this to be \$720 per month. She noted that the Township can use Peoples Wealth Advisors to handle the Township's investments at no charge. It will cost approximately \$1,000 to transfer the funds to Peoples. It was the consensus to move all of the funds to Peoples Wealth Advisors at one time.
- J. Busch Systems – Project RISE – Mrs. Gunnet advised that Busch Systems will make a \$250 donation to an organization at no cost since the Township purchased recycling bins from them. She stated that there was a list to choose from and the only one she recognized was the National Wildlife Organization. It was the consensus of the Board to have the donation made to this organization.

13. Unfinished Business:

- A. Possible amendment to Zoning Ordinance – Wedding & Event Venues – Mr. Allison advised that CGA Law Firm had made changes to the amendment based on his review with Attorney Rausch. Scott Brady noted that Attorney Schnetzka had contacted him to make sure that commercial setbacks were acceptable. He stated that he is agreeable to all of the changes that were made.

Attorney Rausch commented that there is a section that deals with temporary tents. He asked Mr. Brady what size tents he would propose. Mr. Brady stated that he would have small tents, not the large commercial tents. Attorney Rausch recommended setting a size limit for these structures. He questioned if there is a size that requires building code inspections. Mr. Allison stated that he would need to check with Commonwealth Code Inspection Service.

Mrs. Gunnet questioned if the owners must reside at the property. Mr. Allison advised that the owner would not need to live on the property. However, the owner or an employee would be required to be present during an event.

Attorney Rausch advised that the regulations allow for a maximum of 200 people at an event. Parking will need to be addressed. Mr. Allison stated that this could be addressed during the Special Exception hearing. It was discussed that the parking chart in the ordinance addresses clubs and could be amended to add this use as well. Mr. Allison noted that the Ordinance already addresses the type of surface that would be required.

Mr. Sechrist questioned what the next step would be. Mr. Allison stated that if the Board is interested in moving forward with the amendment, he will make the changes and it would be submitted to the Windsor Township Planning Commission and York County Planning Commission for review. It was asked if Attorney Rausch had any concerns. Attorney Rausch stated that the law of unintended consequences is his concern. Mr. Heffner stated that he is concerned about noise when these types of uses could be adjacent to residential uses. Attorney Rausch stated that there are still agencies that need to review the proposed amendment.

On the motion of Rodney Sechrist seconded by Kathy Kerchner, the Board approved to complete the draft with the changes as discussed and send to the Windsor Township Planning Commission and York County Planning Commission for review. Motion carried. Two votes yes. Mr. Heffner voted no.

- B. Possible amendment to Zoning Ordinance – Creation of an agricultural lot – No action was taken.
 - C. Replacement of playground equipment – Mrs. Gunnet advised that the Board has received a new quote from All Seasons Lawn & Landscape in the amount of \$12,500 for the removal and disposal of the existing equipment. Because this project would be done with grant funds, the Township would be responsible for half of the cost. She stated that the work will not be completed until the grant is secured but the amount can be made part of the application. The Board agreed to this. Mrs. Gunnet advised that the fencing around the playground would still need to be determined. After discussion, the Board was leaning toward chain link fence.
14. Public Comment – Mr. Heffner asked if there were any public comments and noted that if speakers do not wish to have their address recorded, they must state this when speaking. Mario Canty, 125 Woodsvew Drive, advised that he would like to place a fence on his property. He stated that he has

a 10' stormwater easement along the side property line and is requesting an exception to place the fence within this area. He explained that he would like to place the fence 6' from the property line. Ed Shapiro, Prizm Vinyl Corp, advised that he is Mr. Canty's fence contractor. He stated that he has had similar situations in other Townships and has been granted approval. He provided a copy of an Agreement from East Pennsboro Township that allows for encroachment into an easement provided that the homeowner agrees to remove the fence if the easement area needs to be accessed.

Mr. Allison explained that this easement is a total of 20' wide which is split evenly with Mr. Canty's property and his neighbor. He noted that there is a pipe that runs through this easement and this is an access point to the two basins at the rear of the properties. There is also a large easement to the rear of many of the properties where the basins are located.

Mr. Sechrist questioned how large of an area Mr. Canty wanted to fence and the purpose of it. Mr. Canty explained that he has dogs and grandchildren. He stated that during recent storms he has seen how the pond fills up and he is satisfied with locating the fence outside of the easement in his rear yard. Mr. Allison advised that Mr. Canty is able to place a fence in his yard outside of the easement area.

It was the consensus of the Board to deny the request to place a fence within the stormwater easement. Motion carried. Three votes yes.

15. Supervisors Comments – Mr. Heffner asked the Board if they had any comments. Neither Mr. Sechrist nor Mrs. Kerchner had any comments. Mr. Heffner stated that he will miss the next meeting.
16. On the motion of Kathy Kerchner seconded by Rodney Sechrist, the bills were approved. Motion carried. Three votes yes.
17. The meeting of the Windsor Township Board of Supervisors adjourned at 7:36 p.m.

Respectfully submitted,

Jennifer L. Gunnet
Secretary

CITIZENS PRESENT

August 19, 2019

Scott Brady
Jolene Brady
Zachary Shako
James Pritchard
Chief Tim Damon
Mario Canty
Ed Shapiro

250 Zion Church Road Red Lion PA
250 Zion Church Road Red Lion PA
240 Lartry Drive Red Lion PA
Laurel Fire Company
York Area Regional Police Dept.
125 Woodsvie Drive Red Lion PA
Prizm Vinyl Corp.