

WINDSOR TOWNSHIP BOARD OF SUPERVISORS  
October 21, 2019

1. The meeting of the Windsor Township Board of Supervisors was called to order by Chairperson Dean Heffner at 6:00 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 September 16, 2019 and October 8, 2019 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 she has received an invitation from Leo Independent Fire Engine Company No. 1 to their annual appreciation dinner which will be held on Saturday, November 9, 2019. She asked the Board to let her know if they plan to attend so she can RSVP.
  - C. Mrs. Gunnet advised that she has received notice from Comcast informing that there will be changes to the Latino package.
  - D. Mrs. Gunnet advised that she has received a letter from the Pennsylvania Department of Environmental Protection informing that the Township will be awarded a 2018 Recycling Performance Grant in the amount of \$26,097. She commented that she is surprised by the amount of the grant considering that the accepted materials that can be recycled has changed.
  - E. Mrs. Gunnet advised that she has received a letter from Community Reach, Inc. thanking the Board for their donation. She stated that this is the former Red Lion Community Services.
5. Windsor Township Fire & Rescue Association – No one was present. (See #9)
6. York Area Regional Police Department – No one was present.
  - A. The monthly report is available for review.
7. Alice Sisson – Dog Park – Ms. Sisson was not present. (See #10)

8. Marc & Laura McClure – Ham Radio Tower – Mr. McClure advised that he resides at 404 White Rose Lane in Meadow Hill Estates. He stated that he and many of his neighbors are present this evening to discuss their concerns about the 60' tall ham radio tower that has been erected at 408 White Rose Lane. He added that there is near unanimous support amongst the neighbors to have the tower removed.

Mr. McClure explained that the owner, Lindsey Fowler, approached him and other neighbors in August questioning if they would be opposed to the tower. She had explained that there was a similar antenna on Starview Drive. He stated that he had never noticed the antenna on Starview Drive and told her he did not have an issue. He added that he was unaware of the extreme height until the tower was erected. He advised that Ms. Fowler's property is approximately an 1/8 acre and the tower is located in the middle of the back yard on a 3' x 3' concrete pad. There are 4 steel poles approximately 6' high with guy wires to stabilize the tower. The antenna spans most of the yard.

Mr. McClure advised that he submitted a Right-to-Know request to obtain information on the discussions between Ms. Fowler and the Township. He noted that her first contact with the Township via email was on August 15, 2019. On August 19, 2019 the Township granted approval for the construction of the tower. He stated that there was no further dialogue until the Township sent an email on September 27, 2019 informing that an error had been made. He read Section 304.1 of the Windsor Township Zoning Ordinance which addresses height limitations. Mr. McClure stated that after Ms. Fowler provided receipts for the purchase of the tower, the Township again granted approval. It is apparent that the Township never requested information on the size of the antenna. He commented that they have no animosity toward Ms. Fowler but they have concerns about the antenna. A folder of information was presented to each Board member by Laura McClure.

Mr. McClure stated that their first concern is that the tower is an eyesore. He stated that one of the neighbors is Judd Gemmill who is a realtor. A letter from him is included in the packet describing how this tower will affect the resale value of the homes in the neighborhood.

Mr. McClure advised that their second concern is that the structure is a safety hazard. He stated that curious children could try to climb it. He added that it could cause substantial property damage if it were to fall. He stated that there could be unknown health hazards because of the frequencies as well.

Mr. McClure commented that the third concern is property value. He again referenced the letter submitted by Judd Gemmill.

Mr. McClure advised that their last concern is that the next neighbor who wants a tower will want something even bigger. The Township will then be put in a position to make an objectional approval.

Mr. McClure requested that the approval of the tower be reversed and it be required to be removed. A petition from the neighbors is included in the packet. He stated that 29 of the 30 property owners on White Rose Lane have signed it as well as an owner of a property on Starview Drive.

Attorney Rausch addressed their fourth concern noting that if a future request for a tower does not meet the requirements of the Ordinance, approval would not be granted. He informed that a mistake does not set a precedence. He added that although this approval was granted by mistake, rights are then given to the applicant. He stated that from a legal standpoint, a letter cannot simply be sent informing Ms. Fowler that the tower must be removed. Mr. McClure acknowledged that the Township made an error. He added that he works in the insurance claim industry and if there is negligence, he works to have the situation rectified.

Mr. Heffner commented that Mr. McClure had originally told Ms. Fowler that he was agreeable to the erection of the tower. Mr. McClure stated that when Ms. Fowler had approached him, she did not provide him with the specifics of the tower. He commented that had he known how large the tower would be, he would have objected.

Don Angstadt, 420 White Rose Lane, stated that he did not feel that the Township granted approval for the 60' tower, only one that was 40' high. Mr. McClure noted that the original email stated that the tower would be 40' high but there was a more recent email that corrected the height.

Attorney Rausch advised that he needs to discuss the legal ramifications of any decisions with the Board. Mr. McClure noted that the Township has liability insurance. Attorney Rausch advised that in this case, the Township is not liable. The homeowner has rights and an analysis needs to be done to determine exactly what those rights are.

Nate Fochtman, 405 White Rose Lane, asked if the Township had taken into consideration the potential damage or liability issues if the tower fell on adjoining properties.

It was the consensus of the Board to table the topic to discuss the matter with Attorney Rausch. Attorney Rausch advised that written notification would be provided within one month.

9. Windsor Township Fire & Rescue Association – Scott Gingerich arrived. He questioned if the checks for the Relief Associations have been disbursed yet. Mrs. Gunnet advised that they are on the bills list for approval this evening.
  - A. Mr. Gingerich advised that the next Fire Chiefs meeting will be held on Thursday, October 24, 2019 at 7:00 p.m. at Yorkana Fire Company.
  - B. Merger – Update & Request for letter of support – Mr. Gingerich advised that they are having a merger meeting this evening. Mrs. Gunnet stated that they are looking for a letter of support. After discussion, it was decided to send a letter expressing approval of the merger concept.

10. Alice Sisson – Dog Park – Ms. Sisson stated that she would like to see a dog park in the Township. She stated that she believes the park should be regulated in a way that owners must provide proof of vaccinations and flea/tick control for the dog. She commented that in Ocean City, Maryland it is done this way and the owner receives a card to gain access to the park.

Mr. Heffner explained that at this time the Township does not have enough land for a dog park. Ms. Sisson questioned if there is space at the Spring Valley Pool property. Mr. Heffner stated that the designs are mostly complete for the Community Center and there is not residual land for a dog park. Mrs. Gunnet added that the only unused land at Freysville Park is above the volleyball courts and it is not a large enough area. It was noted that John Rudy Park has three fenced park areas which are alternated and rested.

Mrs. Gunnet advised that a dog park was #6 on the list of desired items at the Community Center site. She stated that they tried to accommodate as many of the items as they could. Mr. Heffner noted that the Board is not opposed to a dog park. He added that he is not sure how it could be managed to verify vaccinations though. Mrs. Kerchner stated at the Board would take her request under consideration if the Township was to obtain more land.

11. Solicitor:

- A. Gemcraft Homes – Taylor Estates, Phase 2 detention pond – Update – Attorney Rausch advised that the attorney for Gemcraft Homes had followed up with him via email informing that the buyer for one of the houses was living in a hotel. Mr. Allison stated that he had spoken with the buyer as well. Gemcraft Homes had told him that the Township was holding up the issuance of the Certificate of Occupancy and since the stay in a hotel was not in their contract, they would not be reimbursing him for this expense. He added that the Certificate of Occupancy have now been issued for all of the homes. He is checking the basin periodically to make sure it is still in good condition. Attorney Rausch questioned if the Township was planning to do a security reduction. Mr. Allison advised that he informed Gemcraft Homes that a reduction would not be approved if requested.

12. Proposed Zoning Ordinance amendment – Special Events Barn (12L) – Mr. Allison advised that the Special Events Barn amendment was taken before the Windsor Township Planning Commission and the York County Planning Commission and both gave a favorable recommendation. Attorney Rausch advised that the next step would be to hold a public hearing. On the motion of Rodney Sechrist seconded by Kathy Kerchner, the Board approved to proceed with the public hearing. Motion carried. Two votes yes. Mr. Heffner voted no.

13. Township Engineer:

- A. Windsor Manor Pump Station Phase-Out – Update – Mr. Kraft advised that there has still been no update on the bankruptcy. He stated that he is hopeful that there will be an update by the end of

the year but he has informed the contractor that the work would not be able to start until the spring. They were agreeable since they had other projects they could work on.

Mrs. Gunnet commented that the property would likely be sold through the bankruptcy. Attorney Rausch noted that a new easement agreement would be required with the new owner. Mr. Heffner questioned if the Township could take the property through eminent domain. Mrs. Gunnet stated that an appraisal would be required and depending on the appraiser's schedule, it may not save time. She advised that she would contact one to see what their timeframe would be. Attorney Rausch added that he would need to check if the stay would keep the Township from filing eminent domain.

- B. Community Center – Update – Mr. Kraft advised that they received the budget information from the Board and this has been passed onto the architect. Mrs. Gunnet questioned if there will be another design meeting. Mr. Kraft stated that he does not anticipate the need for another meeting. He noted that geo testing will take place on October 30<sup>th</sup>. Mrs. Gunnet added that York Excavating Company has agreed to remove the silo bases. The work will take place in November. Mr. Kraft recommended to have the bases removed underground to a depth that would allow for an access drive to be constructed over it or to allow for grass to grow in that area.

14. Public Works:

- A. Mr. Heffner advised that the Board has received the monthly report for October. There were no questions. Mr. Heffner requested that the new plow driver not be set on the most difficult route and noted that he does not have an issue if someone rides with him this winter season.

15. Other Business:

- A. Mr. Heffner advised that the Board has received the Zoning Report for September. There were no questions.
- B. Mr. Heffner advised that the Board has received a copy of the Township Manager Report for September. There were no questions.
- C. Mr. Heffner advised that the Board has received a copy of the Animal Control Officer's Report for September. There were no questions.

Mrs. Gunnet advised that Klugh Animal Control Services has submitted a quote for the 2020 Animal Control Service Agreement. The rate will increase \$1.00 per hour. On the motion of Dean Heffner seconded by Kathy Kerchner, the Board approved the 2020 Agreement with Klugh Animal Control Services. Motion carried. Three votes yes.

- D. Mr. Heffner advised that the meeting scheduled for November 4, 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. Mr. Heffner asked who would be assisting with the collection. Mrs. Gunnet advised that she will be there along with two public works employees.
  - G. Electronics Recycling – Mrs. Gunnet advised that there was a good turnout for the electronics recycling event. She stated that approximately 38 boxes were filled.
  - H. Morgan Stanley – Update – Mrs. Gunnet advised that all of the investment funds have been transferred from Morgan Stanley to Peoples Wealth Advisors.
  - I. 2020 SPCA of York County Agreement – Mrs. Gunnet advised that the agreement with the York County SPCA will increase approximately 3% for 2020. The new amount will be \$9,277.12. On the motion of Dean Heffner seconded by Kathy Kerchner, the Board approved the 2020 SPCA of York County Agreement. Motion carried. Three votes yes.
  - J. Mrs. Gunnet reported that the Township has received a check for State Aid for pension in the amount of \$81,927.98. She stated that this is almost \$7,000 more than last year.
  - K. Cape Horn Road/Windsor Road intersection – No left turn restriction – Mrs. Gunnet advised that a meeting was held with representatives from PennDOT and the York County Planning Commission to discuss the upcoming improvements on Windsor Road. She stated that the road is slated to be paved from the square in Windsor Borough to Cape Horn Road. It had been asked if the Township desired to restrict left turns from Windsor Road onto Cape Horn Road. It would require that a traffic study be completed and signage posted. Mr. Heffner suggested instead of restricting left turns to have a left turn lane lined on Windsor Road. He asked when the paving is to occur. Mrs. Gunnet advised that it is 2024. Mr. Sechrist stated that he does not believe anything needs to be done differently at this time but if more development occurs then changes may be warranted.
  - L. Proposed Zoning Ordinance amendment – Special Events Barn – See #12
16. Unfinished Business – There were no items to discuss.
17. 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. There was none.

18. Supervisors Comments – Mr. Heffner asked the Board if they had any comments. Neither Mr. Sechrist nor Mrs. Kerchner had any comments. Mr. Heffner did not have any either.
19. On the motion of Kathy Kerchner seconded by Rodney Sechrist, the bills were approved. Motion carried. Three votes yes.
20. The meeting of the Windsor Township Board of Supervisors adjourned into an Executive Session to discuss potential litigation at 7:11 p.m.

Respectfully submitted,

Jennifer L. Gunnet  
Secretary

CITIZENS PRESENT

October 21, 2019

Scott Brady	250 Zion Church Road Red Lion PA
Jolene Brady	250 Zion Church Road Red Lion PA
Barbara McNeal	434 White Rose Lane York PA
Charles Wilson	1105 Windsor Road Red Lion PA
Bill White	417 White Rose Lane York PA
Jim Byorick	416 White Rose Lane York PA
Janet Byorick	416 White Rose Lane York PA
Don Angstadt	420 White Rose Lane York PA
Betty Kuczynski	423 White Rose Lane York PA
Joseph Kuczynski	423 White Rose Lane York PA
D. Brian Sipe	429 White Rose Lane York PA
Kori Sipe	429 White Rose Lane York PA
Kyle McClure	404 White Rose Lane York PA
Mary Fortney	437 White Rose Lane York PA
Jim Fortney	437 White Rose Lane York PA
Jacob Casseday	409 White Rose Lane York PA
Donna Balsley	403 White Rose Lane York PA
Laurie Heyer	421 White Rose Lane York PA
Eric Heyer	421 White Rose Lane York PA
Laura McClure	404 White Rose Lane York PA
Marc C. McClure	404 White Rose Lane York PA
Susan Schirk	412 White Rose Lane York PA
Nate Fochtman	405 White Rose Lane York PA
Alice Sisson	90 Churchill Drive Red Lion PA
Scott Gingerich	Windsor Township Fire & Rescue Assoc.