

WINDSOR TOWNSHIP BOARD OF SUPERVISORS  
January 20, 2020

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 January 6, 2020 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 notice from Comcast informing that they will be making channel alignments. There will be delivery updates provided but it is likely that it will not work if the customer has an older modem.
  - C. Mrs. Gunnet advised that she has received information from the York County Planning Commission regarding accessory dwelling units. She stated that the YCPC has performed a study regarding the need for senior housing. A pamphlet has been made for the Township regarding aging in place and ways to handle this. Mr. Allison advised that the Township has regulations on both ECHO housing and temporary accessory dwellings. Mr. Heffner questioned if they need approval from the Zoning Hearing Board and pay the application fee. Mr. Allison stated that they do. He noted that this requirement was added in the 2013 Zoning Ordinance and it is a good method for tracking purposes. Mrs. Gunnet added that the Zoning Hearing Board can also put restrictions on the approval and help to keep it from becoming a rental property.
  - D. Mrs. Gunnet advised that she has received a Notice of Appeal from the PA Office of Open Records. Mrs. Gunnet explained that she received a right-to-know request but did not have a list that contained all of the items they were requesting. The law states that it is not necessary to create a list so she denied the request. Mrs. Gunnet advised that she has forwarded the information to Attorney Rausch and he has prepared an Affidavit reporting that the Township did not have the information as requested but did provide a list that contained most of the information.

5. Windsor Township Fire & Rescue Association – No one was present.
  - A. The next Fire Chiefs meeting will be held on Thursday, February 27, 2020 at 7:00 p.m. at Alliance Fire & Rescue, Red Lion.
6. York Area Regional Police Department – Chief Damon was present. He advised that he is working on the Annual Report and will have it to the Board by March. He asked Mrs. Gunnet if an officer had responded to her about the vehicle that has been parked at Freysville Park. She stated that she had not been contacted. He advised that he will follow up on the matter.

Chief Damon reported that the Crime Watch website has been redesigned but it still uses the website, [www.yapd.org](http://www.yapd.org). He stated that it now includes a crime area map. He noted that it is updated frequently but not daily. He added that the news feed section not only includes information about events, accidents, fires, etc. but now includes updates on arrests. This is all in an effort to get information out to the public.

Chief Damon advised that Kim Moyer will be appointed to the Civil Service Commission at their next meeting as this was omitted from the previous agenda.

- A. The monthly report is available for review.
  - B. Medication Disposal Container – Mrs. Gunnet advised that Lieutenant Zech had provided her with information regarding having a Medication Disposal Container at the Township Office. She asked the Board if they would be interested. She added that residents do ask if the Township has one at the office. Chief Damon stated that the police department would be responsible for emptying the container and taking the medications to be destroyed. It was the consensus of the Board to have a medication disposal container located at the Township Office.
7. Plan for approval:
    - A. TAYLOR ESTATES, PHASE 2, SECTION A, LOT 1 – Final subdivision plan by Gordon L. Brown & Associates, 4 lots on Ness Road – Mr. Allison advised that financial security has not been posted and therefore he is requesting that the plan be tabled.
    - B. WILLIAM M. DOUGLAS REVOCABLE TRUST – Final Subdivision plan by Site Design Concepts, 3 lots along Delta Road & Zimmerman Road – Grant Anderson with Site Design Concepts was present on behalf of the plan. He advised that this property is located at 1332 Delta Road. The property is split between Windsor Township and Chanceford Township. It contains two houses, outbuildings and a 3 unit rental. Mr. Allison explained the plan to the Board noting that there will be three lots located within Windsor Township. He stated that one lot will have the house and barns and the remaining two will be vacant. Mr. Anderson

advised that the Planning Modules have been approved as these lots all have on site septic systems. He noted that Chanceford Township has approved the plan.

Mr. Anderson advised that they are requesting three waivers. They are for plan scale, cartway widening and installation of curbing. Mr. Heffner questioned if a note has been added to the plan requiring installation of the curbs within six months of notification by the Township. Mr. Allison advised that it is not, adding that the sliding scale limits the number of lots that could be subdivided from the tract. On the motion of Dean Heffner seconded by Kathy Kerchner, the Board approved the waivers. Motion carried. Three votes yes.

Mr. Allison advised that all comments have been addressed. On the motion of Dean Heffner seconded by Kathy Kerchner, the Board approved the plan. Motion carried. Three votes yes.

8. Solicitor:

- A. Ham Radio Tower – Update – Attorney Rausch advised that additional research has been completed and it has been discovered that there is a State Law that does not allow for regulations on HAM radio towers that would restrict the height under 65'. He stated that this state statute protects Ms. Fowler and therefore the Township cannot require her to remove the tower. He asked if there were any questions.

Marc McClure, 404 White Rose Lane, advised that he had spoken with his attorney and had expected this outcome. He asked if the Township had met with Ms. Fowler. Mrs. Gunnet advised that they had. Mr. McClure questioned if she had indicated that she would consider removing the tower. Mrs. Gunnet advised that Ms. Fowler was informed that the Township is aware of the state law protecting HAM radio towers and that it does not need to be moved or removed. She stated Ms. Fowler did not express interest in removing the tower. Mr. McClure commented that there had been a cable located hip high that had been connected to the tower but has now been removed. He asked if the Board knew why. Mrs. Gunnet stated that she did not know.

Attorney Rauch advised that the Township will be having an inspection completed to ensure the structural integrity of the tower.

Laura McClure, 404 White Rose Lane, questioned why this law was not discovered before this point. Attorney Rausch advised that the law had been mentioned in a previous email and upon further research, it was found. Mr. McClure questioned when it was enacted. Mrs. Gunnet advised that it is from 2008. Mrs. McClure asked what would have occurred if the Township would have denied the tower. Attorney Rausch advised that she could have sued the Township. Mr. McClure stated that he is surprised that the operators, as a minority, have more power than the neighbors, as the majority. Mr. Heffner advised that the HAM radio operators have a large network. Attorney Rausch added that this law was likely enacted as a

way to protect HAM radio operators as they could provide a vital service in emergency situations.

9. Township Engineer:

- A. Windsor Manor Pump Station Phase-Out – Update – Mr. Kraft advised that he does not have an update on the bankruptcy. Attorney Rausch advised that he sent a letter to the bankruptcy attorney requesting an update and noting that the Township was exploring eminent domain but has not received a response. Mrs. Gunnet advised that she contacted John Runge of Gordon L. Brown & Associates, the Engineer for Windsor Borough, because there is a stormwater project that the Borough is doing that also requires this property owner’s signature. She stated that Mr. Runge was told that the proceedings were “soon going to happen”. Mr. Trout stated that if action is not taken soon, the costs are going to continue to increase. Attorney Rausch advised that this matter is difficult because the property is in bankruptcy. He stated that he will try to keep pushing forward to obtain information. Mr. Kraft noted that public sewer is a value to this property.
- B. Community Center – Update, Windsor Township/WARC responsibilities, RACP Program: Not open yet – Mr. Kraft advised that contract drawings, completed to 95%, should be prepared for the end of the month. Mrs. Gunnet noted that another interior design meeting is scheduled for this Thursday. She noted that they are currently working on the layout of the kitchen and the design has been provided to the Board.

Mr. Sechrist questioned if solar panels or a geothermal system will be installed. Mr. Kraft advised that provisions are being made to the building that would allow for the connection of solar panels at a later time. It was noted that the design would allow for approximately 120 panels. Mr. Allison advised that geothermal has been ruled out due to the cost.

Mrs. Gunnet advised that there have been discussions on the responsibilities for Windsor Township and WARC. She stated that she has provided the Board with an excerpt from the Intergovernmental Agreement that outlines this matter. She explained that based on the Agreement, the Township will own the building and be responsible for all the expenses. WARC will operate from the building and provide the programs.

Mrs. Kerchner suggested that Mr. Shaffer be made a Township employee and WARC be disbanded. She stated that Windsor Borough makes a very small contribution. She added that it has been difficult to find members from Windsor Borough to sit on the Commission and when they do not attend meetings, it is hard to get a quorum. Mr. Heffner commented that if the responsibilities and expenses all fall back on the Township, WARC is no longer a benefit. Mrs. Gunnet advised that there is a process to disband or withdraw. She stated that all parties must be mutually agreeable to disbanding or one year notice must be provided

prior to the beginning of the calendar year. This would mean that notice would need to be given in 2020 and the Township could withdraw in 2022.

It was questioned if Windsor Borough is required to provide recreation for their residents. Attorney Rausch advised that he does not believe this is the case. Mrs. Kerchner questioned if Windsor Borough could make a contribution to the Township to participate in the programs at a reduced fee to the residents. There was discussion on how rates apply to Township residents, non-residents and Red Lion Area School District residents as well as how other municipalities handle recreation.

Mrs. Gunnet advised that Mr. Shaffer had sent a letter to Windsor Borough informing them that their fees could increase through this process. She stated that he had spoken with the Borough Secretary and was informed that she had passed the letter onto Borough Council.

Mrs. Gunnet advised that Mr. Shaffer can be present at the next Board meeting. It was the consensus of the Board that more information would be needed to determine if disbanding or withdrawing from WARC is the best choice for the Township.

Mrs. Gunnet advised that the RACP Program grant application has not been opened yet. She noted that once it opens, the Township has 30 days to complete and submit the application. This is in hopes that the Township will receive a grant in the amount of \$3,000,000.

- C. Keystone Custom Homes sewer extension on Ness Road: Sewer Agreement – Daniel & Lori Gilbert and Cost to install main on Gilbert property – Mr. Kraft advised that the Sewer Agreement with Daniel and Lori Gilbert to install a sewer main on their property had been prepared. Mr. Allison confirmed that it has been signed. On the motion of Kathy Kerchner seconded by Dean Heffner, the Agreement was approved. Motion carried. Three votes yes.

Mr. Heffner questioned if the contractor has hit rock while digging. Mr. Kraft advised that they have in certain locations. It was noted that it was discovered that the manhole had previously been installed in the intersection of Ness Road and Dietz Roads which will now eliminate traffic detours.

Mr. Kraft advised that due to a well on the Gilbert property, it will be necessary to use the jack and bore method to not compromise the well. At this time a stub main could be installed in the Gilbert right-of-way to access an area that public sewer is proposed through the Act 537 Plan. York Excavating Company has provided a quote in the amount of \$87,399.47 which could be a savings of approximately \$50,000 because the same area that is being excavated now would have to be done again with a new sewer extension. Attorney Rausch questioned if there would be a Change Order to Keystone Custom Homes from York Excavating Company. Mr. Kraft presumed this is how it would be handled. Attorney Rausch expressed his concern that this could be considered a different project and would

need to be bid with prevailing wages. Mrs. Kerchner questioned what the repercussions would be if it were not bid. Mrs. Gunnet stated that when the Township started to replace the generators at the pump stations, the first one was not bid and the Township received a letter from Labor and Industry stating that prevailing wages were required. The contractor had to provide the information on prevailing wages and the Township had to provide proof of payment. There were no fines issued.

Mrs. Gunnet asked if Keystone Custom Homes could do a Change Order to the Township or if the current agreement could be amended. Mr. Kraft advised that he would contact York Excavating Company and Keystone Custom Homes to discuss the matter. On the motion of Rodney Sechrist seconded by Dean Heffner, the Board approved the quote from York Excavating Company in the amount of \$87,399.47. Motion carried. Three votes yes.

- D. Mr. Kraft advised that with approval from the Board, he will be attending the Board of Supervisors meetings instead of Mr. Klinedinst. There was no objection from the Board. Mr. Kraft added that Mr. Klinedinst is still available if the Board needs him.

#### 10. Public Works:

- A. Mr. Heffner advised that the Board has received the monthly report for January. There were no questions.
- B. PennDEP Recycling Grant – Chipper – Mr. Heffner questioned if the type of chipper that Mr. Trout is proposing will be large enough. Mr. Trout advised that it is larger than the one the Township currently has and will be sufficient for what is collected. He added that the chipper that the Township owns was purchased through a grant but for many years, a grant could not be awarded for the purchase of a chipper. Mrs. Gunnet advised that she has a preapplication meeting scheduled in February.
- C. Purchase: XVII snow plow & Steiner mower/snowblower – Mr. Trout advised that the purchase of a snow plow and a Steiner mower/snowblower were budgeted for purchase for the Sewer Department. Mr. Heffner questioned if there is a snow plow on the sewer truck. Mr. Trout confirmed that there is. Mr. Heffner noted that the department has a hand blower, too. He commented that the Township is accumulating a lot of equipment. Mr. Trout explained the benefits of a snowblower. On the motion of Dean Heffner seconded by Rodney Sechrist, the Board approved the purchase of the snow plow and Steiner mower/snowblower. Motion carried. Three votes yes.

#### 11. Other Business:

- A. Mr. Heffner advised that the Board has received the Zoning Report for December. There were no questions.

- B. Mr. Heffner advised that the Board has received a copy of the Township Manager Report for December. There were no questions.
  - C. Mr. Heffner advised that the Board has received a copy of the Animal Control Officer's Report for December. There were no questions.
  - D. DCNR grant – Replace playground Equipment – Mrs. Gunnet advised that the grant application opened on Friday and will remain open until April 22, 2020. She noted that Mr. Shaffer has started working on it. Mr. Kraft advised that C.S. Davidson has been working on the stormwater designs. He commented that there are water and gas lines that they will need to locate as the entire playground area will need to be brought up in elevation.
  - E. Windsor Area Recreation Commission – Update – Mrs. Kerchner advised that she does not have anything to report.
  - F. Purchase of Laptop, replace firewall and server warranty - \$2,225.00 – Mrs. Gunnet advised that she has obtained a quote from Quality to replace Mr. Allison's laptop, install a firewall on the server and extend the warranty on the server. The total amount is \$2,225. On the motion of Dean Heffner seconded by Kathy Kerchner, the Board approved the purchases. Motion carried. Three votes yes.
  - G. Evan Wotring – Eagle Scout Project – Painting fire hydrants – Mrs. Gunnet advised that she has been contacted by Evan Wotring expressing his interest in painting fire hydrants as his Eagle Scout Project. He will be painting the hydrants off Route 74 in the area of Jefferson Lane, Camp Street and Valley Road. In total there are 28 hydrants. She noted that Mr. Wotring is aware that the Township has leftover paint from Kyle Truetts's project as they are in the same troop.
  - H. 2019 Building Permit Summary – Mrs. Gunnet advised that the Board has received a copy of the report. It was noted that the Township only issued half as many building permits for single family homes in 2019 as compared to 2018.
  - I. Mr. Heffner advised that the Board meeting scheduled for February 3, 2020 will be cancelled.
12. Unfinished Business – There were no items to discuss.
13. 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 were no comments.

14. 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 comments either.
15. On the motion of Kathy Kerchner seconded by Rodney Sechrist, the bills were approved. Motion carried. Three votes yes.
16. The meeting of the Windsor Township Board of Supervisors adjourned at 7:22 p.m.

Respectfully submitted,

Jennifer L. Gunnet  
Secretary

CITIZENS PRESENT  
January 20, 2020

Grant Anderson  
Tim Damon  
Laura McClure  
Marc McClure  
Deb Angstadt  
Don Angstadt  
Betty Kuczynski  
Joe Kuczynski

Site Design Concepts  
York Area Regional Police Department  
404 White Rose Lane York PA  
404 White Rose Lane York PA  
420 White Rose Lane York PA  
420 White Rose Lane York PA  
423 White Rose Lane York PA  
423 White Rose Lane York PA