

WINDSOR TOWNSHIP BOARD OF SUPERVISORS
February 17, 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 20, 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 a letter from Roy Kohler requesting a waiver of pumping his septic system in 2020. She explained that Mr. Kohler bought the property at 2855 Maple Drive in November 2019. At that time the system was pumped. The dwelling remained unoccupied until they moved to the property in January 2020. Mr. Allison advised that he does not see an issue with granting the waiver but they will need to have it pumped when required in four years. On the motion of Kathy Kerchner seconded by Rodney Sechrist, the Board granted the waiver for the pumping of the septic system at 2855 Maple Drive in 2020. Motion carried. Three votes yes.
 - C. Mrs. Gunnet advised that she has received a letter from the U.S. Department of Housing and Urban Development informing that the housing discrimination complaint that had been filed by Philip McQuown in December 2018 has been withdrawn.
 - D. Mrs. Gunnet advised that she has received the Audit Report from the Department of the Auditor General for the Windsor Township Liquid Fuels Fund. The audit covered the period of January 1, 2018 to December 31, 2018. There were no findings.
 - E. Mrs. Gunnet advised that she has received a letter from the York County Board of Commissioners announcing that they have hired a 911 Director.
 - F. Mrs. Gunnet advised that she has received notice from Comcast informing that they will be making lineup changes to their Epix and Starz packages.

- G. Mrs. Gunnet advised that she has received a flyer from Kaltreider-Benfer Library. They will be holding an Open House on March 26th from 6:00 p.m. to 8:00 p.m. She asked the Board to let her know if they plan to attend so she can RSVP.
 - H. Mrs. Gunnet advised that she has received an invitation to the Felton Volunteer Fire Company's Appreciation Banquet which will be held on March 21, 2020 at 5:00 p.m. at Felton Fire Company. She asked the Board to let her know if they plan to attend so she can RSVP.
5. Windsor Township Fire & Rescue Association – Rick Searle, Association Vice-President, was present. He advised that he does not have anything to report. He questioned if they will receive a copy of the year end report. Mrs. Gunnet advised that it will be distributed at their next meeting.

Mr. Sechrist applauded the great work that was done on Saturday night at the apartment fire in Red Lion Borough.

Mrs. Gunnet advised that the revised contract for Alliance Fire & Rescue has been received. On the motion of Rodney Sechrist seconded by Kathy Kerchner, the contract was approved. Motion carried. Three votes yes.

- 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.
- B. Mrs. Gunnet advised that box alarm changes are required to update from Red Lion and Felton to Alliance Fire Company. On the motion of Dean Heffner seconded by Rodney Sechrist, the Board approved the box alarm changes. Motion carried. Three votes yes. Chad Arnold noted that with this approval, Alliance Fire & Rescue will officially go live on Wednesday.
- C. Mrs. Gunnet advised that the 2019 Fire Company Call Report will be disbursed at the next Fire Chiefs meeting. The Board has received a copy for review.
- D. Chief Scott Frederick of Yorkana Fire Company was present. He advised that they have outgrown their station and are looking into the possibility of building a new station or relocating. He stated that there is a building for sale approximately half a mile outside of the Yorkana Borough municipal line in Lower Windsor Township that would meet their needs. The property is listed for \$1.4 million. He commented that they have looked into the costs for building a new station and it will exceed the cost to purchase the existing building. In addition, they have someone who would be interested in signing a 5 year lease agreement for the offices that are located in this building which would help to offset the cost of the purchase. He stated that by moving outside of the municipal boundary, he does not want to

lose coverage area within Windsor Township. The Board advised that they did not have an issue with this since the distance outside the Borough is minimal.

Mr. Frederick commented that the owner is offering owner financing. He stated that it is his hope that they can pay \$600,000 cash, take \$400,000 in owner financing and \$400,000 in tax donations. There would also be a land swap with Modern Landfill. Modern Landfill will take over the ballfield at Red Front Road and the fire company would receive land elsewhere.

Mr. Frederick advised that Lower Windsor Township is agreeable to the location. He added that Yorkana Borough accounts for only 1% of their calls.

6. York Area Regional Police Department – No one was present. Mrs. Kerchner questioned if Mrs. Gunnet had contacted someone to do the mowing at the police stations. Mrs. Gunnet stated that she had not. Mrs. Kerchner asked if the Township had sprayed the weeds last year. Mrs. Gunnet advised that it was too windy to spray the day that it was scheduled and then York Township mulched prior to it being sprayed. Mrs. Kercher asked if Mr. Diehl can spray outside the Township. Mrs. Gunnet advised that he can. She will contact York Township about spraying and mulching.

A. The monthly report is available for review.

7. Sewer Department: Approval to purchase Sewer Line Inspection Camera and Trailer – Troy Dehoff, Sewer Foreman, advised that Ralpho Township has a Sewer Line Inspection Camera and Trailer listed for sale on Municibid. The auction closes tomorrow at 2:00 p.m. He stated that this would be a good piece of equipment to have for emergency situations and requested permission to bid on the item. He noted that this would not be used for the yearly camera service. It would be used in emergency situations only. Mr. Heffner questioned if the Township would be able to cut the line. Mr. Dehoff stated that they would not but would be able to determine the nature of the issue.

Mr. Dehoff advised that the cost of a new portable unit would range between \$70,000 to \$90,000.

Mrs. Kerchner asked why they are getting rid of this. Mr. Dehoff stated that the person who operated this piece of equipment has retired and a new system is being utilized. He noted that he confirmed with the seller that it is still in good condition and is operational.

Mrs. Gunnet advised that the maximum amount the Township can spend without requiring three quotes is \$11,300. Municibid charges a 9% bidder fee. This would mean that the Township could spend just over \$10,000. She noted that the high bid was \$5,700 earlier today.

On the motion of Kathy Kerchner seconded by Dean Heffner, the Board approved the purchase of the sewer line inspection camera and trailer on Municibid up to a maximum of \$10,000. Motion carried. Three votes yes.

8. 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 requested that the plan be tabled.

- B. YORK EXCAVATING COMPANY, LLC – Preliminary/Final Land Development Plan for Excavating Contractors Shop by Site Design Concepts on East Prospect Road – Adam Anderson with Site Design Concepts was present on behalf of the plan. Mr. Anderson noted that Jeff Walker, President of York Excavating Company, is also present. Mr. Anderson advised that this site is located on the southeast corner of the Freysville and East Prospect Road intersection. The property is currently being farmed. They are proposing to construct a 14,000 square foot excavation contractors shop which is a permitted use within the Industrial Zone. The property will be served with public utilities. There will be two access points onto East Prospect Road. The westerly entrance will be a full movement access and the easterly entrance will be a right in, right out access due to site distance. A gravel staging area will be installed which will be screened from East Prospect Road with security fence. All other screening regulations will be met as well. Three detention basins will be constructed on the property to which runoff will sheetflow.

Mr. Anderson advised that they are requesting several waivers of the Subdivision and Land Development Ordinance as follows:

- 304.2.B Plan Size
- 305.2.B Plan Size
- 305.2.B.18 Clear Site Triangle
- 502.2.J Road Widening
- 503.1.A Installation of Curbing
- 503.2 Installation of Sidewalks
- 504 Access Drive Alignment

Mr. Anderson advised that they are also requesting two waivers of the Stormwater Management Ordinance as follows:

- 306.M Outlet Controls
- 306.Q Slope of Stormwater Management Basin

Mr. Kraft advised that he has no objections to approval of the waivers. Mr. Anderson added that the Windsor Township Planning Commission has recommended approval of the waivers and the plan.

Mr. Anderson noted that there is one outstanding item. PennDOT has not issued the Highway Occupancy Permit yet. He stated that there was one administrative comment that they had addressed and resubmitted to PennDOT. He advised that they have received their NPDES Permit, Planning Module approval and have posted surety and funds for the Stormwater Management Fund.

On the motion of Dean Heffner seconded by Kathy Kerchner, the Board approved the waivers. Motion carried. Three votes yes.

On the motion of Dean Heffner seconded by Kathy Kerchner, the Board approved the plan subject to the Highway Occupancy Permit being issued by PennDOT. Motion carried. Three votes yes. The plans were not signed.

- C. BOWSER DENTISTRY – Final Land Development Plan by Terraform Solutions, LLC for a proposed dental office at 845 Edgewood Road – Matthew Allen with Terraform Solutions, LLC advised that he is present on behalf of Robria Holdings and Bowser Dentistry. He noted that this property is on Edgewood Road, north of East Prospect Road. The site was the previous Wachovia Bank. The new owners are proposing to build a dental office. Approval for the expansion of a non-conforming use to encroach into a buffer zone has been approved by the Zoning Hearing Board. The property has access to both Edgewood Road and Henry Lane. The entrance from Edgewood Road will be a right in, right out access and a full movement entrance will access from Henry Lane. Mr. Allen advised that they exceed the number of required parking spaces and comply with the landscaping requirements. An underground stormwater system will be installed.

Mr. Allen advised that they are requesting several waivers of the Subdivision and Land Development Ordinance as follows:

- 305.2.B.18 Clear Site Triangle
- 502.6 Road Widening
- 503.1 Installation of Curbing
- 503.2 Installation of Sidewalks
- 504.2.C.6 Intersection Angle

Mr. Allen advised that they are also requesting a waiver of Section 304.O of the Stormwater Management Ordinance for slope of a stormwater management basin.

Mr. Allen advised that the Windsor Township Planning Commission has recommended approval of the waivers. Mr. Kraft acknowledged that he takes no issue with the approval of the waivers.

Mr. Allen noted that the Highway Occupancy Permit has not been issued by PennDOT yet but it is in its final review. Security will be posted by the end of the week.

On the motion of Kathy Kerchner seconded by Dean Heffner, the Board approved the waivers. Motion carried. Three votes yes.

On the motion of Dean Heffner seconded by Kathy Kerchner, the Board approved the plan with the condition that a Highway Occupancy Permit is issued by PennDOT and security is posted. Motion carried. Three votes yes. The plans were not signed.

9. Solicitor: Attorney Rausch advised that he did not have anything to report.

10. Township Engineer:

- A. Windsor Manor Pump Station Phase-Out – Update – Mr. Kraft advised that contact has been made with the bankruptcy attorney. He was informed that some progress has been made but the paperwork has not been filed yet.
- B. Community Center – Update, Solar Panels, RACP Program: Mid March, Removal of silo bases – Mr. Kraft advised that they continue to work on the drawings and are completing cost estimates. Another meeting will be held soon.

Mr. Kraft advised that at the last meeting Mr. Sechrist had questioned if solar panels would be installed. Mr. Kraft stated that he wanted to clarify that they will not be installed with the initial construction but 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 RACP Grant Application will open in mid March.

The silo bases at the Lombard Road property have been demolished. York Excavating Company has provided the services and will be using the debris for fill at their new building site. Mr. Walker has asked that the Township provide him with a letter acknowledging the in kind contribution.

- C. Keystone Custom Homes – Agreement amendment – Mr. Kraft advised that the Agreement with Keystone Custom Homes has been amended as directed by the Board at the previous meeting. On the motion of Dean Heffner seconded by Kathy Kerchner, the Board authorized the Chairman to sign the Agreement. Motion carried. Three votes yes.

- D. Ham Radio Tower – Update – Mr. Kraft advised that his company had performed an analysis of the tower at the end of January and have determined that it is structurally safe. A report has been provided to the Township and Ms. Fowler.

11. Public Works:

- A. Mr. Heffner advised that the Board has received the monthly report for February. There were no questions.
- B. PennDEP Recycling Grant – Chipper – Update – Mrs. Gunnet advised that she attended the pre application meeting. It is a requirement that a legal notice must be posted for four consecutive weeks informing that we are purchasing the piece of equipment because it could be considered competition for private enterprises. She added that the Garbage Ordinance from 1973 may need to be amended because the definition of Rubbish does not meet current standards.
- C. Purchase: Skid loader – \$28,281.53 after trade-in, Backhoe – \$115,900, Storage racks – \$3,300 – It was noted that the old backhoe will be sold. The storage racks will be installed in the parts area. On the motion of Dean Heffner seconded by Kathy Kerchner, the Board approved the purchase of the skid loader, backhoe and storage racks. Motion carried. Three votes yes.
- D. Sale of Western MVP Plus snow plow – Mrs. Gunnet advised that the Western MVP Plus snow plow was sold on Municibid for \$1,350. This is higher than what was anticipated. The buyer is from Pottstown. On the motion of Dean Heffner seconded by Kathy Kerchner, the Board approved the sale of the snow plow to the highest bidder. Motion carried. Three votes yes.
- E. First Street – Establish No Parking at intersection with Windsor Road – Mrs. Gunnet advised that there is an issue with the owners of a property on First Street parking on the road near the intersection with Windsor Road. It has made it difficult for the snow plow to turn onto First Street. Currently there are no parking signs on the right hand side but not the left. She requested permission from the Board to pursue an ordinance to prohibit parking on First Street from Windsor Road to Schoolhouse Lane. It was the consensus of the Board to move forward.
- F. Panorama Hills Pump Station force main break – Mrs. Gunnet advised that the Board has received a copy of the information that was sent to PennDEP regarding the Panorama Hills Force Main break. Mr. Randecker from PennDEP replied thanking the Township for a timely response. Appreciation was also expressed to the York Area Regional Police Departing for providing an escort for the large piece of equipment that needed to be moved in.

G. Mrs. Gunnet reported that 779.04 tons of leaves were collected in 2019.

12. Other Business:

- A. Mr. Heffner advised that the Board has received the Zoning Report for January. There were no questions.
- B. Mr. Heffner advised that the Board has received a copy of the Township Manager Report for January. There were no questions.
- C. Mr. Heffner advised that the Board has received a copy of the Animal Control Officer's Report for January. There were no questions.
- D. DCNR grant – Replace playground Equipment – Mrs. Gunnet advised that she and Mr. Shaffer have a conference call scheduled with a DCNR representative this Thursday. Mr. Sechrist questioned if there is only one playground equipment dealer. Mrs. Gunnet advised that there are different vendors. The current playground is from GameTime and it has held up well so she was planning to use them for the new playground. They are a Costars approved vendor. She noted that the grant locks the Township into the cost but not the vendor.
- E. Windsor Area Recreation Commission – Update – Mrs. Kerchner advised that WARC held their monthly meeting last week. She stated that they discussed the Community Center. She noted that WARC has been putting funds into a Capital Reserve Fund that can be used toward the Community Center.

Mrs. Kerchner advised that there were no members present from Windsor Borough and they discussed disbanding WARC and having the Township take over. The Board was agreeable to this idea. Mrs. Kerchner stated that she directed Mr. Shaffer to keep track of information to see how income is affected by both discounts to residents and Red Lion Area School District residents.

Mrs. Kerchner announced that WARC is doing an upgrade to their website. It will be user friendly and allow for online registrations and payment.

Mrs. Kerchner stated that the Recreation Board is interested in knowing when construction will start and end on the Community Center. Mrs. Gunnet advised that based on previous grants, she anticipates that the grant recipients will be announced in October. If the Township is not awarded a grant, then information could be updated and a grant could be reapplied for in six months. She noted that this is a reimbursable grant and once a payment requisition is submitted, it will take 60 to 90 days to be reimbursed. It is estimated that it will take one year for construction of the building and another year until the fields are usable.

Mrs. Kerchner stated that it was discovered that there was not a digital copy of the By Laws and WARC is working to have a copy made.

Mrs. Kerchner advised that on June 30th, WARC along with some other sponsors, are trying to break the Guinness Book of World Records for the largest amount of people playing catch at one time. It will require over 2,000 people to participate. More details will follow.

- F. Mr. Heffner advised that the Board meeting scheduled for March 2, 2020 will be cancelled.
- G. Comcast Franchise Agreement – Mrs. Gunnet advised that the Board had previously authorized Cohen Law Group to negotiate a new Franchise Agreement with Comcast. She stated that they have completed the Ordinance and it will need to be advertised for adoption. She noted that the franchise fee will remain at 5%. The Township will continue to receive complimentary services. This had been challenged by the FCC. It had been overruled but has been appealed. She noted that if the decision is upheld, the Township will lose these perks. Mrs. Gunnet stated that Comcast is offering a one time grant to have an educational channel. The Board was not interested in this. The agreement is valid for 10 years. It does not limit service within the Township to Comcast. However, if another company were to offer services, the contract with them could not be better than that with Comcast.

It was the consensus of the Board to advertise the ordinance for adoption.

- H. Additions to Agricultural Security Area: Resolution #2020R-02-01 – Lighty
Resolution #2020R-02-02 – Rexroth
Resolution #2020R-02-03 – Rexroth

Mrs. Gunnet advised that when applications are received to add property to the Agricultural Security Area, they are deemed approved if no action is taken within 180 days. She stated that she just recently found out that a Resolution is still required. She noted that there are three Resolutions for adoption. The Lighty property is on Manor Road. This property will also be entered into agricultural preservation. The Rexroth properties are in the area of Elfner and Burkholder Roads. On the motion of Dean Heffner seconded by Kathy Kerchner, the Board approved Resolutions #2020R-02-01, #2020R-02-02 and #2020R-02-03. Motion carried. Three votes yes.

- I. Message Board on website – Mrs. Gunnet advised that she had some technical difficulty with the message board recently and when she contacted Double Dog Communications, they indicated that the technology that is being used is antiquated. It would cost over \$200 to update the program. She noted that there have only been 6 postings in 2020 and questioned if the Board wants to make the upgrade or remove it. She added that the Township's email information is available on the website. John Cheeseman, Cranberry Lane, commented that he often looks at the message board. Since it is a method to disburse information to the residents, it was the consensus of the Board to update the information.

- J. February 2020 Sewer Delinquency List – Mrs. Gunnet advised that a new list of the 10 accounts with the highest amount of outstanding liens has been provided to Attorney Rausch. The total amount due from these accounts exceeds \$35,500. She stated that six accounts were paid in full from last year’s list. She noted that since the Township started the water termination procedures, the amount of liens has decreased from over \$200,000 to approximately \$85,000.

Mrs. Kerchner asked if the Township receives money if a person files for bankruptcy. Attorney Rausch advised that if a lien is filed then it is a secured claim. He noted that the lien is filed against the property not a person. He explained the process for the collection and noted that if a mortgage company is involved, typically the Township receives payment because a municipal lien takes priority over a mortgage.

- K. Reserve Capacity Surety Reduction – Laurel Vistas – Mrs. Gunnet advised that at the beginning of each year, the amount of surety posted for reserve capacity is reduced based on the number of permits issued the prior year. She stated that the Township no longer uses this procedure but there are several developments that still have surety posted from the previous method. She advised that Laurel Vistas, Phase 1 should be reduced by \$2,270 to a balance of \$0 and Laurel Vistas, Phase 2 reduced to a balance of \$0.
- L. Kimberly Lawn Care – 2020 lawn care proposal – Mrs. Gunnet advised that she has received a quote from Kimberly Lawn Care in the amount of \$10,470. This is \$26 more than last year. On the motion of Dean Heffner seconded by Kathy Kerchner, the Board approved the 2020 lawn care proposal. Motion carried. Three votes yes.
- M. Cyber Insurance – Mrs. Gunnet advised that the York Area Regional Police Department had looked into purchasing cyber insurance and Mrs. Kerchner asked her to look into this for the Township. She stated that she contacted Kocman Insurance for a quote. She noted that the quote that was provided to YARPD was specific to law enforcement so the one for the Township is different. She advised that the quoted premium amount is \$2,990. It would cover items such as ransomware, privacy breach and restoration. Attorney Rausch advised that his office was hit and they needed someone to restore their system which was costly. He commented that this seems like a reasonable amount of money to spend to protect the Township. Mrs. Gunnet noted that the Township has also taken steps to update the firewall on the server and email. On the motion of Dean Heffner seconded by Kathy Kerchner, the Board approved the purchase of cyber insurance. Motion carried. Three votes yes.
- N. The next Electronics Recycling collection will be held on Saturday, May 9th from 9:00 a.m. to 12:00 p.m. at the Public Works Building.
- O. Community Day – Mrs. Gunnet questioned if the Board is interested in holding a Community Day this year. She commented that she is concerned that there will not be enough work since

no playground mulch will be spread. The Board directed her to determine the amount of work that needs to be done and make the decision if it is warranted.

13. Unfinished Business – There were no items to discuss.
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. There were no comments.
15. Supervisors Comments – Mr. Heffner asked the Board if they had any comments. Mr. Sechrist did not have any comments. Mrs. Kerchner asked Mrs. Gunnet if she had spoken with the York Township Manager yet about the sewer overpayment that had been discovered. Mrs. Gunnet stated that she had not. She expressed her concern that the Township would not be able to substantiate what the rates may have been and a compromise will likely be made. Mrs. Kerchner questioned if the York Township Commissioners know of the issue. Mrs. Gunnet stated that she does not believe they know.

Mr. Heffner did not have any comments.
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 7:31 p.m.

Respectfully submitted,

Jennifer L. Gunnet
Secretary

CITIZENS PRESENT
February 17, 2020

Lindsey O'Laughlin
Matthew Allen
Roy Kohler
Rick Searle
Chad S. Arnold
Scott Frederick
John & Lynn Cheeseman
Troy Dehoff
Jeff Walker
Adam Anderson

The York Dispatch
Terraform Solutions, LLC
2855 Maple Drive Red Lion PA
Yoe Fire Company
Alliance Fire & Rescue
Yorkana Fire Company
910 Cranberry Lane York PA
Windsor Township
York Excavating Company
Site Design Concepts