

WINDSOR TOWNSHIP BOARD OF SUPERVISORS
August 17, 2020

1. The meeting of the Windsor Township Board of Supervisors was called to order by Vice-Chairperson Kathy Kerchner at 6:00 p.m.

Those present: Dean Heffner, Kathy Kerchner, Rodney Sechrist, 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 Dean Heffner seconded by Rodney Sechrist, the minutes from the July 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.
5. Windsor Township Fire & Rescue Association – No one was present.
6. York Area Regional Police Department – No one was present.
 - A. The monthly report is available for review.
7. Jane Dennish – Kaltreider-Benfer Library – Mrs. Dennish advised that she is an English teacher in the Red Lion Area School District and is a new member on the Board at the Kaltreider-Benfer Library. She explained that the library has been going through reopening stages due to the coronavirus pandemic. She noted that the library has continued to serve the community through virtual programs. She stated that in their next phase, they will be reopening the computers to the public.

Mrs. Dennish advised that the library was in the middle of their expansion when construction was shut down so the project has been delayed. She stated that the addition will include a teen area and a larger children's area.

She thanked the Board for their support and asked that they keep the library in mind for future donations.

Mrs. Gunnet asked when the Book Nook would reopen. Mrs. Dennish advised that it will not be reopening as the owner of the property is selling it. She noted that it was opened up to teachers to allow them to get books free of charge for their classroom libraries. She added that she is hopeful that there will be room in the library once the addition is completed to have it there.

8. Attorney Aaron Marines – Rose Gate Manor Condominiums – Stormwater Issue – No one was present so the topic was held until later in the meeting. See #17

9. PLANS FOR APPROVAL:

- A. REXROTH LIMITED PARTNERSHIP – Final Subdivision Plan #1210.1 by Site Design Concepts for 2 lots along Rt. 74 – Grant Anderson with Site Design Concepts was present. He explained that the Board had seen a version of this plan from the previous owner. It has been changed to subdivide a lot, approximately 20 acres, which includes the house and buildings. The remaining lot will remain farmland. There are no building lots being created.

Mr. Anderson advised that they are requesting 5 waivers. They are for submission of a preliminary plan, contours, cartway width, curbs and sidewalks. Mr. Heffner questioned if the cartway width is for Route 74. Mr. Anderson stated that there is a section that touches Zimmerman Road.

Mr. Allison and Mr. Kraft advised that they are recommending approval of the waivers and all comments have been addressed. On the motion of Dean Heffner seconded by Rodney Sechrist, the Board approved the waivers and the plan. Motion carried. Three votes yes.

10. Windsor Township Fire & Rescue Association – Scott Gingrich arrived. He advised that he did not have anything to report.

- A. Mr. Gingrich advised that the next Fire Chiefs meeting will be held on August 27, 2020 at 7:00 p.m. at Laurel Fire Company.
- B. Mrs. Kerchner advised that Laurel Fire Company will be dedicating a new traffic unit in honor of Doug Rohrbaugh on Saturday, September 12th at 2:00 p.m. Mrs. Gunnet stated that they have requested that a Board member attend the ceremony. Mrs. Kerchner stated that she will attend.
- C. Alliance Fire & Rescue Services – Township share of Workmen’s Compensation Insurance – \$9,204.48 – Mrs. Gunnet advised that Alliance Fire Company has their own workmen’s compensation policy. They have sent a letter requesting a contribution to cover the cost for Windsor Township’s share of the premium. She stated that Attorney Rausch has reviewed the letter and is requesting that documentation be provided showing payment of the policy. Mr. Gingrich questioned what Felton Fire Company had provided. Mrs. Gunnet advised that Felton Borough had sent an invoice with a copy of the paid invoice. Attorney Rausch stated that a copy of the declaration page of the policy should be provided with the Township being listed that way if the policy is going to be cancelled, the Township would be notified. Mr. Gingrich advised that he will have someone work on getting this for the Township.

- D. Mr. Gingrich advised that he is still working on getting the second quarter reports. He noted that he received Laurel's report today. Dallastown has not submitted their report yet but he knows they are busy with the change of fire chiefs. He noted that Matt Shields will be the interim chief until the end of the year.

11. PLANS FOR APPROVAL:

- A. RICHARD DIPIETRO – Revised Final Subdivision Plan by James R. Holley & Assoc., off S. Camp Street in Windsor Borough/Windsor Township – Mr. Allison advised that when the lot from this subdivision was to be sold, it was found that there was an error on the plan regarding the property lines. The portion that is incorrect was located within Windsor Borough. This plan makes the necessary revisions. On the motion of Kathy Kerchner seconded by Dean Heffner, the Board approved the revised subdivision plan. Motion carried. Three votes yes.

12. Solicitor:

- A. Windsor Manor Pump Station Phase-Out – Update, Eminent Domain – Attorney Rausch advised that he had another attorney from his office contact the bankruptcy attorney. He was informed that a creditor has filed a motion to dismiss the bankruptcy. He noted that if it is granted, the Easement Agreement that was approved will be valid again. If this occurs, it will be necessary for the Township to establish use of the easement as soon as possible. He stated that he should know more within the next 30 days.
- B. Attorney Rausch advised that he was contacted by the attorney representing the buyers of the Rolling Acres Golf Club regarding use of the property. He stated that they have a meeting scheduled with Mr. Allison. He added that they may be interested in building storage units but would require rezoning of the property. Mr. Allison commented that it would be spot zoning and most of the property is within the flood zone.

13. Township Engineer:

- A. Windsor Manor Pump Station Phase-Out – Update, Eminent Domain – Discussed under 12A.

14. Public Works:

- A. Mrs. Kerchner advised that the Board has received the monthly report for August. Mr. Sechrist questioned the sewer main repairs at Rose Gate Manor. Mr. Trout advised that the line in the condominium community is private. Their contractor is making the repairs.

- B. Red Lion Municipal Authority – Possible water main extension on Springvale Road – Mrs. Gunnet advised that the Red Lion Municipal Authority will be upgrading their water line on Springvale Road from South Main Street to Circle Drive to accommodate the installation of fire hydrants. She stated that they had questioned if the Township was interested in having the water line extended from Circle Drive to close to the taxidermy business. She advised that the cost for Red Lion’s upgrade is \$656,000. The additional cost to extend the line is approximately \$940,800. Mrs. Gunnet explained that when the water was extended on Route 74, the total cost was divided over all the properties that could connect. The cost was \$3,800 per property with a 10 year repayment agreement. She stated that this extension would be for 27 properties which would amount to approximately \$34,800 each. This does not include the connection fee or the cost for a plumber.

It was discussed how the proposed development off Smith Road could impact this extension. Mr. Kraft stated that it could be cheaper for the developer to extend off this line rather than extending from Route 74. Mrs. Gunnet noted that if a water extension would be done, and other properties were to connect, refunds would be issued to the original properties based on the new calculation.

Mr. Heffner commented that even though it is unlikely the property owners would want to spend this amount of money to extend water, a courtesy letter could be sent letting them know of the opportunity. Attorney Rausch questioned if there are issues with the wells in this area. It was noted that in the past there had been issues with the quantity of water but the Township has not received any calls regarding issues in many years. Mrs. Kerchner agreed that a letter should be sent to the property owners acknowledging that there is an opportunity for public water to be extended. Attorney Rausch advised that if there is 100% participation from the property owners, there may be grants available.

- C. Mr. Sechrist stated that he has been made aware that there is an issue with handicap accessibility at the Bingo Hall fields. Mr. Trout stated that Mr. Shaffer had contacted him about paving a section 10’ wide by 256’ long. Mrs. Kerchner advised that this was also discussed at the last WARC Board meeting. Water runoff from storms wash out an area. She noted that although Mr. Shaffer has tried, he has been unable to obtain a long term agreement with the owner. Mr. Trout advised that he believes that they can pave a section near the top at the water breaker which would allow the water runoff to go across pavement rather than stone and wash it out.

- D. Mr. Trout advised that the final paving projects are to be completed this week.

15. Other Business:

- A. Mrs. Kerchner advised that the Board has received the Zoning Report for July. There were no questions.

- B. Mrs. Kerchner advised that the Board has received a copy of the Township Manager Report for July. There were no questions.
- C. Mrs. Kerchner advised that the Board has received a copy of the Animal Control Officer's Report for July. There were no questions.
- D. Windsor Area Recreation Commission – Update – Mrs. Kerchner advised that a meeting was held last week. The issue at the Bingo Hall was discussed. It was also noted that there was an issue with a pipe washout at the Yorkana field. Mr. Trout advised that this has already been fixed. Mrs. Kerchner stated that WARC is requesting use of Workinger Field this fall for soccer and field hockey. She noted that the field is to be rested but if the Red Lion Area School District shuts down, WARC will likely lose use of the fields. In addition, the fields were not used heavily in the spring with sports being cancelled. It was the consensus of the Board to allow the use of Workinger Field.
- E. Mrs. Kerchner advised that a Board meeting will not be held on September 7, 2020.
- F. Coronavirus related matters:
 - Effects of COVID-19 on Revenues
 - Possible Transfer – Donations
 - Quarantine Policy – Possible Revision

Mrs. Gunnet advised that the Board has received updated spreadsheets regarding revenues. She stated that the Earned Income Tax received in August 2020 is 21% higher than had been received in August 2019. She commented that based on this, she believes that the Township will not see a significant reduction in Earned Income Tax. She recommended that the donations be made to all organizations as budgeted. It was the consensus of the Board to make the full donations.

Mrs. Gunnet advised that when the Quarantine Policy was adopted, it did not list sick time as an option to be used if a Stay-At-Home or something similar is ordered. The employees expressed concerns that if it occurred near the end of the year, they may have used all their vacation and comp time. She stated that she has prepared a revised Policy if the Board is interested in making this change. It was the consensus of the Board to add the use of sick time. On the motion of Dean Heffner seconded by Rodney Sechrist, the Board approved the revised Quarantine Policy. Motion carried. Three votes yes.

Mrs. Gunnet advised that since the rules on the use of sick time were relaxed with the coronavirus pandemic, more days are being used without the employee providing a doctor note. She commented that hopefully the employees are not taking advantage of the situation. She questioned if the Board is interested in setting specific regulations on what the sick time can be used for. Mrs. Kerchner advised that the purpose for the change in the policy was so

that if an employee was sick, they would stay home without having to go to a doctor. She asked if this is causing a hardship to the Township. Mrs. Gunnet noted that with already being down a Highway Department employee, it does make scheduling more difficult. Mrs. Kerchner questioned if sick days are being used on Mondays and Fridays. Mrs. Gunnet stated that it is sporadic. Mrs. Kerchner asked if it is one specific employee. Mrs. Gunnet advised that there are two that are using more time than others. She stated that the four days without a doctor's note cannot be enforced, but she can encourage them to provide a note. Mrs. Kerchner commented that she is concerned that an employee will come to work because they do not want to go to a doctor. There was discussion on taking the temperature of the employees everyday and sending anyone home who has a fever. Mr. Allison commented that if the schools go to virtual learning, he is sure that he could get documentation to provide to the Township. After discussion, it was decided that Mrs. Gunnet would have a meeting with the public works departments to discuss this matter.

- G. Administrative Building – Water damage – Mrs. Gunnet advised that drain for the condensation pan clogged in the caucus room and caused water damage in this room as well as the EMA office and the conference room. Between the cleanup and repair, it is approximately \$10,000. She stated that the insurance company will only cover the painting of the one wall in the conference room and will cover rolled carpet. She stated that if the Board would like the entire room painted and carpet tiles, it will be necessary to pay for the difference. The Board agreed that they would prefer to have carpet tiles installed. Mrs. Gunnet advised that she has requested a quote from HB McClure to install an additional pan on the condenser unit.
- H. Community Center – RACP open – Mrs. Gunnet advised that the RACP grant application has been submitted. She contacted Representative Saylor's Office to inform them and received confirmation from Kevin Eck.
- I. Mrs. Kerchner advised that a shredding event will be held on Saturday, November 21st at the Township Office from 9:00 a.m. to 12:00 p.m. There will be a two box limit and will operate the same as last fall.
- J. Dates – Pre-Budget/Road Inspection & Budget meetings – After discussion, it was decided that the Pre-Budget meeting will be held on October 13th at 1:00 p.m. and the Budget meeting will be held on November 2nd at 1:00 p.m.
- K. Intergovernmental Insurance Cooperative – Balance of 2019 Claim Surplus – Mrs. Gunnet advised that the Township has received the balance of the 2019 Insurance Claim surplus in the amount of \$32,062.96. She stated that the total refund for 2019 was approximately \$128,000. She added that overall, the claims were low in April and May of 2020 so the likelihood of a refund for 2020 is higher.

- L. Michael Harris – 414 Appaloosa way – Forgiveness of Sewer Delinquency – Mrs. Gunnet advised that the brother of Michael Harris was mowing his property when the Sheriff's Office posted the house. He then came to the Township Office to see if the sewer bill was being paid and had informed that Michael Harris had passed away in February 2018. His son was to have been paying the bills associated with the property. Mrs. Gunnet advised that the Township was never notified that Mr. Harris had passed away and none of the bills were being returned. She stated that the Township has filed 4 liens against the property and has had the water turned off. The current bill is also delinquent. The total amounts to almost \$1,500. She explained that the Sewer Ordinance specifically states that written notice must be provided to the Township in order to receive the reduced rate. Mr. Harris' brother has asked for forgiveness of the delinquent amounts.

Attorney Rausch questioned if the taxes are being paid. Mrs. Gunnet stated that she does not know. Attorney Rausch advised that if the property goes to an upset sale, the Township will receive payment in full. However, if it goes to a judicial sale, the liens will be wiped out. It was the consensus of the Board to not grant the forgiveness request but will have the bill set at the reduced rate once Mr. Harris' brother submits a request in writing.

- M. Authorization for SEO Adam Anderson to sign Temporary Holding Tank/Small Flow Treatment Facility Agreement – Allen & Carlyn Spangler – 750 Stonewood Road – Mrs. Gunnet advised that there has been an ongoing septic issue at 750 Stonewood Road for many years. The septic tank is located on Allen Spangler's property. However, the drain field is located on the neighboring property. Mr. Spangler was interested in having a holding tank but the Township's Sewage Enforcement Officer, has stated that this is only permitted as a last resort. A Small Flow Treatment Facility will be installed on the lot. The approval process could take a year to design and Mr. Anderson is recommending that a holding tank be utilized until the new system can be installed. Mrs. Gunnet noted that the Agreement has milestones that must be met and penalties associated so that the project will continue to proceed. Mr. Allison stated that the property is small and they currently pump the system frequently. Mrs. Gunnet advised that she is requesting permission for Mr. Anderson to sign the Agreement. Attorney Rausch has reviewed and approved it. On the motion of Dean Heffner seconded by Rodney Sechrist, the Board authorized Adam Anderson to sign the Temporary Holding Tank/Small Flow Treatment Facility Agreement with Allen and Carlyn Spangler at 750 Stonewood Road. Motion carried. Three votes yes.
- N. Domenick Argento – Possible donation of Lot 63 at Chapelwood Estates – Mrs. Gunnet advised that Lot 63 of Chapelwood Estates is a detention basin. The original plan stated that it could be donated to the Township for recreational purposes. The developers, Mr. and Mrs. Argento have passed away and their son is trying to get rid of this property in order to settle their estate. Mrs. Gunnet advised that the lot is mostly wetlands and flood plain. The Township had also purchased a sewer right-of-way across it. Domenick Argento had

contacted her to see if the Township is interested in the property before he asks the neighbors if they would like to purchase it.

Mr. Allison recommended not accepting the property. He stated that there may be an area that could be made flat. However, it is extremely overgrown and will likely be wet most of the time. It was the consensus of the Board to not accept the donation of Chapelwood Estates, Lot 63.

- O. Republic Services – Response to question about toters off Mt. Pisgah Road – Mrs. Gunnet advised that she has received a response from Republic Services regarding the storage of toters off Mt. Pisgah Road. She stated that they had a contract end and the toters were brought there but they are actively working to have them removed.

16. Unfinished Business – There were no items to discuss.

- 17. Attorney Aaron Marines – Rose Gate Manor Condominiums – Stormwater issue – There was still no one present. Mr. Allison advised that plans were reviewed and discussions were held with Attorney Rausch to determine the Township's responsibility. He asked Mr. Kraft to go over their findings.

Mr. Kraft advised that old files were pulled. The pit was installed in 1988 to accommodate a section of roadway where there was a low spot that did not flow to other stormwater drains. He noted that the sizing of the pit was based on a 1.4" rain event. Mr. Kraft advised that he was able to pull data from the Harrisburg airport for the rain events that were discussed at the previous meeting. However, the data did not reflect the same rain amounts in this area. He advised that the two most recent storms here would have exceeded the 1.4" that the pit was designed to handle and it would be normal for it to surcharge out. It appears that the pit is accepting the flow and then it is coming out the bubbling inlet as designed. He advised that he cannot determine if the pit is failing.

Mr. Allison questioned what responsibility the Township has with this matter. He advised that it is private land. In order to determine if it is failing or has a silt buildup, it would be necessary to dig. He asked what liability this brings upon the Township. He commented that he believes this is a civil matter between the property owners.

Attorney Rausch advised that legally, the Township does not need to do anything. If the Township were to do something, an Agreement would need to be signed between the Starview Drive property owner and the Township. He stated that the Condo Association would have the same right to file a civil complaint against the owners.

Attorney Rausch questioned if there was an impact to the pit when the bank was cut back and the wall was installed along this property line. He asked if the Condo Association could do

something on their property to help with the runoff issue. He expressed his concern that if the Township were to get involved it would be a slow and expensive process. He reiterated that the Condo Association has the same legal process they can follow just as the Township.

Mrs. Kerchner advised that she feels that the Township has done their due diligence and this is a matter between the two property owners. It was the consensus of the Board that the Township would not pursue this matter. Attorney Rausch will write a letter to Attorney Marines addressing the findings and the Township's position.

18. Public Comment – Mrs. Kerchner 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.
19. Supervisors Comments – Mrs. Kerchner asked the Board if they had any comments. Mr. Sechrist asked if the newsletter has been finalized. Mrs. Gunnet advised that it has been sent to the designer with the distribution date to be in mid September. She asked if he had something that he wanted included. He stated that there have been so many scams lately and feels that it may be good to put something in the newsletter making people aware of this. He added that an article encouraging residents to donate to their local fire company would also be beneficial. Mrs. Gunnet advised that if there is room, she will add articles on these topics. Mrs. Kerchner asked if Mr. Shaffer had given her information to include for Windsor Area Recreation Commission programs. She stated that he had not.

Neither Mrs. Kerchner nor Mr. Heffner had any comments.

20. On the motion of Dean Heffner seconded by Rodney Sechrist, the bills were approved. Motion carried. Three votes yes.
21. The meeting of the Windsor Township Board of Supervisors adjourned at 7:55 p.m.

Respectfully submitted,

Jennifer L. Gunnet
Secretary

CITIZENS PRESENT

August 17, 2020

Jane Dennish
Grant Anderson
Scott Gingrich

1495 Karens Way York PA
Site Design Concepts York PA
Alliance Fire & Rescue