

WINDSOR TOWNSHIP BOARD OF SUPERVISORS
June 21, 2021

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

Those present: Kathy Kerchner, Dean Heffner, Rodney Sechrist, Attorney Charles Rausch, Christopher Kraft, P.E., Jennifer Gunnet, Kipp Allison, Jeremy Trout 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 Kathy Kerchner, the minutes from the May 17, 2021 meeting were approved. Motion carried. Two votes yes. Mr. Sechrist abstained from voting due to not being present at the meeting.
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 located on the counter in the rear of the room.
 - B. Mrs. Gunnet advised that the Board has received a copy of an email from Tammy Dickson requesting changes to the Zoning Ordinance regarding the keeping of livestock and poultry in the residential zone. Mrs. Dickson was present and addressed the Board. She advised that she lives at 3895 Farm Drive and would like to have chickens at her property. She stated that she is requesting that the Board change the regulations to allow for poultry on residential properties that are one acre or larger. She commented that she is aware that other residents have approached the Board with this request but did not know what their intentions were. She advised that she would not be running a business. She would have the chickens as pets and have the benefit of fresh eggs. Mr. Heffner noted that the average laying time for a chicken is two years. He questioned what she would do with the chickens once they no longer laid eggs. Mrs. Dickson stated that she would keep them as pets. Mr. Heffner expressed his concern as to how this would be enforced.

Mr. Allison advised that the current Zoning Ordinance regulations allow for agricultural animals to be kept within the residential zones on lots with a minimum of 5 acres. Chickens are then permitted at a density of twelve per acre. Mr. Sechrist questioned if it allows for roosters. Mr. Allison advised that it does not differentiate between chickens and roosters.

Mr. Allison stated that they compiled a list of lot sizes within 26 developments in the residential zone. Of 2,651 houses, there are 73 properties with a lot size of one acre or larger. He noted that he did not do research on all the properties in both residential zones so he does not have a full listing. He added that chickens are an enforcement issue now and will continue to be an issue. Mrs. Kerchner questioned what the negatives would be for allowing chickens. Mr. Allison stated that he believes that once they stop laying eggs, people will keep them as pets which could lead to an issue with how many chickens they may have. He

stated that roosters create an issue with noise. There is also the potential issue with smell. He noted that they receive many calls asking if properties are permitted to have chickens and most are under one acre.

Mr. Heffner questioned what would need to be done to make the change. Mr. Allison advised that the Zoning Ordinance would need to be amended. Mrs. Kerchner suggested that he contact other municipalities to see how they deal with this matter. Mr. Allison stated that he can provide additional information on the number of lots that are greater than one acre. Mr. Sechrist commented that reducing the number of chickens permitted could be an option. The Board tabled the topic so additional research can be done.

5. Windsor Township Fire & Rescue Association – Scott Gingrich was present.
 - A. Contract Negotiations – Meeting date – Mr. Gingrich advised that the only date that all members were available is July 1st. Mrs. Gunnet stated that she is on vacation that day but the Board could still hold the meeting. Mr. Allison will attend. It was the consensus that the meeting will be held on July 1st at 6:30 p.m. at the Township Office.
 - B. Mr. Gingrich stated that the box alarm changes for Alliance are with the County for review and he is hoping to hear back soon. Mr. Sechrist questioned why the Township needed to approve for the Red Lion Ambulance Company to purchase a Knox Box. Mrs. Gunnet advised that because the Township holds the key and we allow Red Lion Borough to piggy back on our program, we must approve purchases.
 - C. Mrs. Kerchner advised that the next Fire Chief’s meeting will be held on June 24, 2021 at 7:00 p.m. at Windsor Fire Company.
 - D. Mrs. Kerchner advised that two scholarship applications have been submitted to the Township. She stated that each will receive a \$1,000 scholarship. A presentation will be made at the July Board meeting. The recipients are Faith Golembiowski and Kaitlyn Hopple.
 - E. Yorkana Fire Company – Update – Mrs. Gunnet advised that she had spoken with Scott Frederick and he asked that she update the Board on some happenings with their fire company. She stated that they have rented some office space at their station to the American Red Cross. East Prospect Fire Company had approached them regarding a possible merger but after doing some research, Yorkana chose not to pursue a merger. They did agree that if the East Prospect Fire Company folds, their members are welcome to join Yorkana and retain their tenure. Yorkana has also started a Friday Family Night where members bring a covered dish and they spend time with the other families. They are doing this as a way to keep families involved and encourage younger kids to volunteer with the company as they get older.

- F. Box Alarms – Changes – Mrs. Gunnet advised that Laurel Fire Company has made changes to their box alarms and need approval to send to the County. On the motion of Kathy Kerchner seconded by Dean Heffner, the Board approved the Box Alarm changes. Motion carried. Three votes yes.
6. York Area Regional Police Department – Chief Damon was present. He advised that they will be hosting National Night Out on August 3rd at Dallastown Community Park. Chief Damon reported that there has been an increase in gun violence and many of the culprits are under the age of 20. A meeting was held recently at Living Word Community Church with representatives from the surrounding communities to discuss these issues and how to move forward. Mr. Sechrist questioned if all the officers wear bullet proof vests. Chief Damon confirmed that they do but they do not protect against all types of bullets. Chief Damon advised that on July 1st, they will be updating their assignments within the department to better distribute their call volume. He stated that they have been working to hire one additional officer and someone has been chosen. He will begin in July. Attorney Rausch questioned if many applicants have a military background. Chief Damon stated that they do have some but it is not a high percentage.

Mr. Heffner commented that he is aware that cases of child abuse have increased. He questioned how that is reported. Chief Damon explained that most are sent in by mandated reporters. He stated that they report to the Child Line and that goes to the District Attorney's Office. They then contact the police department. He noted that this process takes about 24 hours. Mr. Sechrist questioned if the police department is able to take a child from a home. Chief Damon advised that if the officer feels that it is an emergency situation, they can take the child. The child is then taken to Children and Youth Services.

Chief Damon advised that he has spoken to Mrs. Gunnet about the relocation of a cross street sign near Sheldon Drive. He stated that it needs to be moved closer to Steinfelt Road to notify that there is an intersection ahead. The sign is currently too close to the intersection to give drivers sufficient notice. Mrs. Gunnet advised that she has reached out to York Township's manager so that a joint letter can be sent since the road is split between the municipalities but has not heard back yet.

- A. The monthly report is available for review.
- B. Merger – Draft Charter Agreement – Mrs. Kerchner advised that the Board has a copy of the Draft Charter Agreement. There were no questions. Attorney Rausch explained that it will need to be approved by Ordinance. On the motion of Kathy Kerchner seconded by Dean Heffner, the Board approved the Draft Charter Agreement dated June 3, 2021 and authorized the solicitor to prepare an Ordinance to adopt at the July Board meeting. Motion carried. Three votes yes.

Chief Damon thanked the Board for moving forward with the merger.

7. Plan for approval:

- A. Woerner, Ryan & Jenna – Revised Final Subdivision Plan #1275.1 by Site Design Concepts, Rt. 74 and Bethlehem Church Road – Ryan and Jenna Woerner were present. Mr. Woerner advised that he and his wife reside at 100 Bethlehem Church Road and also own the property at 824 Delta Road. In 2009, approximately 24 acres was subdivided from the farm at 824 Delta Road to create the building lot for their home. At that time, the ordinance only allowed for a lot size between one and two acres. This subdivision adds land back to this property to make the lot 10.126 acres. The property at 100 Bethlehem Church Road will have 16.632 acres.

Mr. Woerner advised that there are 4 waiver requests as follows:

1. Section 304.2.B; Plan Sheet Size
2. Section 506.5.A; Extension of Public Sewer
3. Section 502.2.J; Street Widening – Mr. Woerner noted that in 2013, he had paid into a fund to widen Bethlehem Church Road.
4. Section 503.2; Installation of Sidewalks – Mr. Woerner advised that the Planning Commission did not want to grant this waiver but rather to add a note stating that the sidewalks would need to be installed within six months of notice being given by the Township. He provided the Board with a packet of exhibits showing different views of the property. He stated that he obtained a cost estimate from Stewart and Tate for the installation of sidewalks and the cost exceeds \$200,000. He explained that he has over 1,000 feet of road frontage on Delta Road. There is also a 7' elevation change from the roadway onto the property. Telephone poles would need to be relocated. On Bethlehem Church Road, he has over 800' of road frontage and also has road frontage on Springvale Road. He stated that this property would remain agricultural. Attorney Rausch advised that if the land would be subdivided further, the Board could require the installation of sidewalks with that plan.

On the motion of Rodney Sechrist seconded by Kathy Kerchner, the Board granted the waiver for the installation of sidewalks for this plan. Motion carried. Two votes yes. Mr. Heffner voted no.

Mrs. Kerchner questioned if there are any issues with the other waiver requests. Mr. Kraft stated that there are not. On the motion of Dean Heffner seconded by Rodney Sechrist, the Board approved the waivers for Plan Sheet Size, Extension of Public Sewer and Street widening. Motion carried. Three votes yes.

On the motion of Dean Heffner seconded by Rodney Sechrist, the Board approved the plan. Motion carried. Three votes yes.

8. Windsor Area Recreation Commission – Community Center operation questions – Mrs. Gunnet advised that she is working on the RACP Grant Application and there is a section that deals with personnel and revenues and expenditures. She stated that in order to be able to answer these questions, she needs input from the Board. A list of questions had been provided to the Board. She asked if the employees that will need to be hired will be WARC employees or Township employees. She stated that it had originally been discussed that the Community Center would be leased to WARC.

Mrs. Kerchner advised that the bylaws for Windsor Area Recreation Commission state that the Township is responsible for providing facilities and WARC is responsible for the programs. She stated that WARC rents office space but not the facilities. If an employee is hired to maintain the building and fields, that would be a Township employee. If an employee is hired to run programs, then that person would be a WARC employee.

It was discussed as to whether WARC should be dissolved. Mrs. Kerchner commented that Windsor Borough does not provide much to WARC and it would be a benefit to Mr. Shaffer to be a Township employee. Christopher Shaffer, WARC Director, was present. He stated that he does not know the process to dissolve WARC without looking at the bylaws. He noted that Windsor Borough provides one ballfield to the baseball program. Mr. Sechrist questioned who maintains the field. Mr. Shaffer stated that the Borough cuts the grass but WARC does assist with the field.

Mr. Allison questioned what the contribution amount is from Windsor Borough. Mr. Shaffer stated that it is approximately \$5,000 per year. The Township's contribution is approximately \$49,000 per year.

Mrs. Kerchner stated that if the Township owned the building and WARC provided programs, rental fees would come to the Township. Mrs. Gunnet advised that based on the study from Pashek Associates, a Business Administrator and janitorial staff would need to be hired. Mrs. Kerchner reiterated that the janitorial staff would be Township employees.

Mrs. Gunnet asked Mr. Shaffer if he had contacted other municipalities to see how they manage community centers. Mr. Shaffer advised that Ephrata and Hempfield Townships are part of a group. Recreation departments at Manchester and York Townships are through the Township.

Mr. Heffner commented that he is concerned about the revenue coming in. Mrs. Gunnet asked if WARC had a profit in 2020. Mr. Shaffer stated that they are not set up to make a profit. He stated that there will be more opportunity to bring in revenue once the Community Center is open. Mrs. Kerchner noted that if WARC is dissolved, all revenue would be received by the Township. Mr. Allison added that registration fees may need to be increased.

Mr. Sechrist stated that he felt the building should have solar panels. Mr. Kraft explained that the building is designed to accommodate solar panels at a later time. He noted that if they are designed now, they could be outdated until the building is constructed.

Mrs. Gunnet advised that she has started filling out the application with WARC as a separate entity. Mrs. Kerchner questioned if the application could be completed as it is now and then WARC be dissolved later. Mr. Kraft commented that this could be 5 years. Mrs. Gunnet advised that if the Board wants to dissolve WARC, it would be easier to do it now. Mr. Sechrist asked if a representative from Windsor Borough attends the Recreation Board meetings. Mr. Shaffer stated that she does.

After discussion, it was decided to table to the topic. Research will be done as to what is involved with and how to dissolve WARC and also how other municipalities address recreation.

9. Township Engineer:

A. Engineer's Report – Mr. Kraft advised that the Board has received his report. There were no questions.

B. Windsor/Ness Road intersection – Mr. Kraft advised that the Red Lion Area School District has moved their fiberoptic cable. Comcast has also moved their utilities. Verizon is to complete their work this week. York Excavating Company is scheduled to start next week.

10. Solicitor – Attorney Rausch advised that he did not have anything to report. Mrs. Kerchner thanked him for his work on the Police merger.

11. Public Works:

A. Mrs. Kerchner advised that the Board has received the monthly report for June. There were no questions.

B. Oil & Chip bid results – Mrs. Gunnet advised that the bid results are attached to the Boards agenda. Mr. Trout stated that the low bidder is Russell Standard Corp. He noted that this company is the former Hammaker East in which the Township had issues with in 2014. He stated that he obtained references from Shrewsbury, Manheim, Paradise and Codorus Townships and all have confirmed that their work is satisfactory. On the motion of Dean Heffner seconded by Kathy Kerchner, the Board awarded the bid to the low bidder. Motion carried. Three votes yes.

C. Pave-In-Place bid: H&H Excavating Withdrawal letter & Award bid – Kinsley – Mr. Trout advised that H&H Excavating does not have the ability to complete the work in a pace that the Township is accustomed to and have submitted a letter asking to be released from the pave-in-place contract. They will be paid for the work that has been completed. Mr. Trout has been in contact with Kinsley since they were the next lowest bidder and they are able to fit the Township's remaining projects into their schedule. Mrs. Gunnet noted that Kinsley's bid is approximately \$3,000 more than the bid from H&H Excavating. On the motion of Kathy Kerchner seconded by Dean Heffner, the Board accepted the letter of withdrawal from

H&H Excavating, approved the release their performance bond and awarded the bid to Kinsley for the remainder of the project. Motion carried. Three votes yes.

Mrs. Gunnet questioned if the paperwork will need amended due to Kinsley also being awarded the bid for the paving of Freysville Parking lot. Attorney Rausch advised that the original pave-in-place bid would need to be amended.

- D. Pave-In-Place bid for Freysville Park parking lot – Change Order #1 – \$3,667.53 – Mr. Trout advised that additional material was needed at the transition near the handicap parking spaces. A change order has been prepared for the additional material. On the motion of Dean Heffner seconded by Kathy Kerchner, the Board approved Change Order #1 for the paving of the Freysville Park parking lot. Motion carried. Three votes yes.
- E. Taylor Estates, Phases I & IV – Completion Deadline – May 30, 2021 – Mr. Trout advised that a meeting and walk through will be held on Wednesday, June 23rd at Taylor Estates, Phase IV. Gemcraft Homes will also be in attendance. He stated that signage and work on the detention pond is still needed in Phase I. Mrs. Gunnet advised that the deadline of May 30, 2021 has now passed. She questioned if the Board would like to work with them for the completion or if the bonding company should be contacted and to move forward with the collection of the bond. There was discussion on setting a drop dead date since they are actively working on the completion. Mr. Trout noted that if all the paperwork is not completed to have the streets added for liquid fuels, it would need to be a requirement that they would pay us for these funds. Mr. Kraft stated that they are building in other townships and if the bond was collected on, this could have an impact on their credit. Therefore, they may already have incentive to finish the work. Mrs. Gunnet noted that there is still an outstanding invoice for the Taylor Estates, Phase IV pump station. She added that she has been informed that York Excavating Company is supposed to start working the third week in July. Mr. Trout stated that more will be known after the meeting this week. It was the consensus to make a decision whether to collect on the bond or give a completion date at the July Board meeting.
- F. Public Works personnel retirement update – Mrs. Gunnet advised that she has spoken to both Mr. Dietz and Mr. Howard. Mr. Dietz is planning to retire in February but will be taking vacation days for the month of January. Mr. Howard does not have a specific date set at this time but it will likely be at the end of this year or in early 2022.
- Mrs. Kerchner asked if an employee can still be called out if they are on vacation. Mrs. Gunnet stated that they are unless they specifically state that they are not available. Mrs. Kerchner questioned if any employees have expressed interest in Mr. Dietz’s position. Mrs. Gunnet advised that she has not heard that anyone is.
- G. Approval to purchase – Fans for Public Works Building – Mr. Trout advised that C.S. Davidson had recommended getting a quote from AmeriWind which is located in Lancaster.

He stated that he contacted them and they have provided the lowest quote. Mr. Heffner asked if Mr. Reichard is comfortable running the wires for the fans. Mr. Trout stated that he is. There will be three fans that run on one controller. On the motion of Kathy Kercher seconded by Dean Heffner, the Board approved the purchase of fans for the Public Works Building from AmeriWind. Motion carried. Three votes yes.

- H. Chapel View Pump Station update – Mr. Trout advised that Lobar uses I.B. Abel and they have had several estimators leave the company recently so he has not been able to obtain quotes for the electric. He stated that he has received a quote for the building but it also includes the fencing and site work. He commented that he is unsure what all it entails. This design would be for a pole building. He stated that there is also the option of a concrete building. Mrs. Gunnet advised that this is a project that would be eligible to use ARPA funds. She stated that although she knows it will cost more, she feels that it should go through the bidding process. This would ensure that all of the paperwork is in compliance with the bidding requirements and the paying of prevailing wages. It will need to be decided which type of building that will be constructed. This will be discussed with C.S. Davidson. It was the consensus of the Board to bid the project and to use ARPA funds.

12. Other Business:

- A. Mrs. Kerchner advised that the Board has received the Zoning Report for May. There were no questions.
- B. Mrs. Kerchner advised that the Board has received the Township Manager Report for March, April and May. There were no questions.
- C. Mrs. Kerchner advised that the Board has received a copy of the Animal Control Officer Report for May. There were no questions.
- D. Windsor Area Recreation Commission – Mrs. Kerchner advised that the last WARC meeting lasted approximately 15 minutes as Mr. Shaffer was on vacation. She stated that she spoke with a friend that expressed her concern regarding the slide that was epoxied. It was decided that the slide would be removed and blocked off. Mrs. Kerchner commented that the covered bench that was built by the boy scout is very nice and she spoke with his father and told him if there are other scouts looking for projects, they would be welcome to build more like this one.
- E. Mrs. Kerchner advised that the summer meeting schedule is in effect so there will not be a meeting on July 5, 2021.
- F. Planning Commission vacancy – Mr. Allison advised that he had reached out to the person that previously expressed interest in serving on the Board but has not heard back. He stated that her child has been very sick and he is sure that this is not something that is of high

importance. He stated that he reached out to a resident that had expressed interest in serving on the Zoning Hearing Board. He stated that he spoke with his wife and she confirmed that he would be interested but he has not had an opportunity to speak with him yet. He advised that this gentleman had previous experience in New Jersey. He noted that he will follow up trying to reach him again.

- G. American Rescue Plan Act (ARPA) – Update – Mrs. Gunnet advised that she has obtained the SAM.gov number and has submitted it to DCED. She stated that she received an email back confirming that the application has been approved. She advised that the amount that the Township will be receiving has increased slightly and will now be \$1,904,246.98. A separate fund will need to be opened. No more than \$750,000 can be spent in one calendar year or an additional audit will be required. The funds need to be obligated by the end of 2024 and need spent by the end of 2026.

Mrs. Gunnet advised that projects must meet the standards of the EPA Clean Drinking Act in order to be eligible. Mr. Kraft added that they must be Pennvest approved. He noted that manhole and pipe lining are acceptable projects. There was discussion on other potential projects. Mrs. Gunnet stated that funds can also be used for revenue loss and she is looking into this.

Mrs. Kerchner asked if the salaries have been reimbursed. Mrs. Gunnet advised that it is in the process. It is applied to the Township's share of FICA and she has been in contact with the accountant's office regarding this.

- H. RACP – Time extension – Mrs. Gunnet advised that a time extension has been granted until December 23, 2021.
- I. Alexander Lusco – Covered bench at Freysville Park for Eagle Scout Project – (Discussed under 12D) – Mrs. Gunnet advised that a plaque has been ordered.
- J. Little Free Library – Freysville Park – Mrs. Gunnet advised that she has been contacted by Diane Dvorak who is interested in having a Little Free Library installed at Freysville Park. She has worked to have them installed in both East Prospect and Yoe Boroughs. Mrs. Gunnet stated that she wanted to have it installed inside the playground but had explained to her that the playground is going to be replaced. She then agreed to have it in a location visible to either Windsor Road or Freysville Road. The Township would be responsible for purchasing the library and the post which would be approximately \$430. Ms. Dvorak would be responsible for taking care of the books. The Board was agreeable to this.
- K. Job descriptions – Mrs. Kerchner advised that she has completed the job descriptions. She stated that she has a few questions that she will work out with Mrs. Gunnet.

L. Junk Yard licenses – Mr. Allison advised that he has performed inspections at all three junkyards. He stated that all are in good standing. Nothing has changed at TC Auto Salvage. Red Lion Salvage has two thirds of the inventory as last year and looks better along Route 624. Prospect Metals has had an influx of materials that they have been processing. On the motion of Kathy Kerchner seconded by Dean Heffner, the Board approved the Junk Yard licenses for TC Auto Salvage, Red Lion Salvage and Prospect Metals. Motion carried. Three votes yes.

M. Executive Session – Personnel matter – Mrs. Kerchner advised that an Executive Session will be held after the meeting to discuss a personnel matter.

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

14. Public Comment – There was no public comment.

15. Supervisors Comments – Mrs. Kerchner asked the Board if they had any comments.

Neither Mr. Heffner nor Mr. Sechrist had any comments.

Mrs. Kerchner questioned the status of the lining of the parking lot at Freysville Park. Mr. Trout advised that he provided the sketch that the staff had made to D.E. Gemmill. The representative was going to look at the site. He felt that we may be able to obtain more parking spaces than shown on the sketch. Mr. Trout stated that he has not heard back from him yet. Mr. Sechrist asked how many handicap parking spaces are provided. Mr. Allison advised that it is either three or four.

16. On the motion of Dean Heffner seconded by Kathy Kerchner, the bills were approved. Motion carried. Three votes yes.

17. The meeting of the Windsor Township Board of Supervisors recessed into an Executive Session at 8:15 p.m. to discuss a personnel matter with the meeting to be reconvened on July 1, 2021 at 6:30 p.m. at the Windsor Township Office.

Respectfully submitted,

Jennifer L. Gunnet
Secretary

CITIZENS PRESENT

June 21, 2021

Christopher Shaffer
Jim & Tammy Dickson
Jenna & Ryan Woerner
Chief Tim Damon
Scott Gingrich

Windsor Area Recreation Commission
3895 Farm Drive York PA
100 Bethlehem Church Road Red Lion PA
York Area Regional Police Department
Alliance Fire & Rescue