

WINDSOR TOWNSHIP BOARD OF SUPERVISORS
January 16, 2023

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, Kim Moyer, 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 Kathy Kerchner seconded by Kim Moyer, the minutes of the January 3, 2023 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 located on the counter in the rear of the room.
 - B. Mrs. Gunnet advised that she has received a flyer from Representative Wendy Fink informing that she will be holding an open house on Saturday, January 21, 2023 at her office at 100 Redco Avenue in Red Lion. It is not necessary to RSVP and a light breakfast will be provided.
 - C. Mrs. Gunnet advised that she has received information from the York County Office of Emergency Management that they will be holding an Elected Officials Seminar on Saturday, February 11, 2023. She stated that there is no cost but it is necessary to register. She asked the Board to let her know if they would like to attend.
 - D. Mrs. Gunnet advised that she has received the 2022 Call Volume Report from the Red Lion Area Ambulance Association. She commented that she found it interesting that they have also broken the calls down by the time of day.
5. Windsor Township Fire & Rescue Association – Scott Gingrich was present. He stated that he will send out a reminder that reports are due to the Township. He informed that Alliance Fire had 1,012 total calls in 2022. Mr. Sechrist questioned if this includes calls to assist with medical emergencies. Mr. Gingrich advised that it does. He noted that they pick up calls until an ambulance is able to respond.
 - A. Mrs. Gunnet advised that the next Fire Chief's meeting will be held on February 23, 2023 at Alliance Fire Company.
 - B. Simulator repair – Update – Mr. Gingrich stated that he needs to follow up with Kinsley.
6. York County Regional Police Department – Chief Timothy Damon was present. He advised that he reviewed the calls so far in 2023 and has found that there have been 7 criminal arrests which is a high

number for such a short period. He asked Mrs. Gunnet if she had received the information that she was looking for in reference to a recent traffic accident at the East Prospect Road and Freysville Road intersection. Mrs. Gunnet stated that she had left a message with County Control but has not heard back. Chief Damon informed that she would need to send in a form to request the information and stated that he would forward it to her. Mrs. Gunnet asked Chief Damon if he knew if there were any injuries in the accident. He advised that he did not know the particulars of the incident. Mrs. Gunnet noted that this intersection is on the TIP but it is a lengthy process. Mr. Kraft stated that he would anticipate the project to take place in 2025.

- A. The monthly report is available for review.
- B. York Area Regional Police Commission – Appointment of Member-At-Large – 1 year term – Ms. Kerchner advised that we had reached out to Al Granholm to see if he would be interested in serving and he had agreed. On the motion of Kathy Kerchner seconded by Rodney Sechrist, the Board appointed Al Granholm to a 1 year term as the Member-At-Large for the York Area Regional Police Commission. Motion carried. Three votes yes.

7. Township Engineer:

- A. Engineer’s Report – Mr. Kraft advised that the Board has received his report. There were no questions.
- B. Public Works Addition – Change Order #1 – \$1,326.00 – Conflict with existing foundation footing
Change Order #2 – \$1,995.00 – Additional labor to test fire service line
Payment Applications – Uhrig #3 – \$5,850.00
HRI, Inc #2 – \$5,525.25
Garden Spot Mechanical #2 – \$17,550.00

Mr. Kraft advised there are two change orders for the Public Works Building Addition. He stated that Change Order #1 is in the amount of \$1,326.00. There is a conflict with an existing floor drain and it is necessary to core drill to obtain proper slope. Change Order #2 is in the amount of \$1,995.00. The Red Lion Municipal Authority is not permitting the Township to use a fire hydrant to test the fire service line so it is necessary to use the sprinkler tower to do this. This generates additional labor cost. On the motion of Kathy Kerchner seconded by Kim Moyer, the Board approved Change Order #1 in the amount of \$1,326.00 and Change Order #2 in the amount of \$1,995.00. Motion carried. Three votes yes.

Mr. Kraft advised that he has received payment application #3 from Uhrig Construction in the amount of \$5,850.00, payment application #2 from HRI, Inc. in the amount of \$5,525.25 and payment application #2 from Garden Spot Mechanical in the amount of \$17,550.00. On the motion

of Kathy Kerchner seconded by Rodney Sechrist, the payments were approved. Motion carried. Three votes yes.

8. Solicitor:

- A. Authorization to intervene in Windsor Solar 2 LLC vs. Windsor Township Zoning Hearing Board appeal – Community solar system at 2735 & 2765 Windsor Road – Attorney Rausch advised that to preserve the Township’s appeal rights, he is recommending that the Board approve to file a Notice of Intervention. He added that this is a standard procedure. On the motion of Kathy Kerchner seconded by Rodney Sechrist, the Board approved to file a Notice of Intervention. Motion carried. Three votes yes.

John Cheeseman, 910 Cranberry Lane, advised that as a member of the Zoning Hearing Board, he believes that it is in the Township’s best interest to look into an ordinance specific to solar. He stated that he feels that there is potential for additional zoning cases regarding solar. Mr. Sechrist questioned if this would be for residential or commercial. Mr. Cheeseman stated that it should address commercial solar farms. He explained that the system that was presented by Windsor Solar 2 LLC would have benefitted residents as they could buy shares into the system. Other systems can hook directly into the grid. The Zoning Hearing Board had decided that solar farms should be located within the Industrial Zone but feels the Board should look into whether this should be the only zone in which the use is permitted. Mr. Allison advised that the Township is already working on an ordinance to address solar.

Mr. Cheeseman advised that he believes the Board should also look into regulations for Airbnbs and short term rentals. Mr. Allison commented that there are regulations for Bed & Breakfasts in the Zoning Ordinance already. He asked if there should be additional regulations. Mr. Cheeseman stated that he felt there should be. Mr. Allison advised that there are definitions for Boarding and Family and they have been used in the past to address issues with multiple people living in a home. He noted that the biggest challenge is enforcement. Mr. Moyer stated that he thought he understood that it was a state rule that if the Township had not granted approval then it is not permitted. Attorney Rausch advised that decisions would be made based on definitions in the Zoning Ordinance. Mr. Allison noted that a Bed and Breakfast is a Special Exception use. He added that municipalities that have a rental program or property maintenance code are better equipped for enforcement for short term rentals. He noted that in addition to people renting homes, yards and pools are being rented out.

Mr. Cheeseman stated that based on the circumstances of a recent Zoning Hearing Board case for a variance request for a house built within the front yard setback, he feels that there should be a specific time in which the footer certification inspection should be completed. He explained that in this case, the Certificate of Occupancy was issued before the Township received the Certification Letter. He commented that this request put the Zoning Hearing Board in a hard position as the house was already constructed and the owners had moved in.

Mr. Allison advised there is a note on the Building Permit that provides a timeframe in which to have the footer certification inspection done. It is the builder's responsibility to have this completed as the Township does not know what stage the construction is in. He noted that this was the first error since the Site Plan requirements were put into effect in 2009. He advised that there was a miscommunication between staff regarding the issuance of the Certificate of Occupancy. It should not have been issued.

Ms. Kerchner questioned the outcome of the variance request. Mr. Cheeseman stated that it was approved but there was a lengthy discussion regarding the approval. Ms. Kerchner asked if Mr. Allison felt the builder waited to have the inspection completed because he knew he was in violation. Mr. Allison stated that he does not feel this is the case. He added that if you look at the house onsite, it does not look out of place.

Mr. Allison commented that the note could be changed on the permit to add a timeframe but it will be difficult to track as the Township is not staffed for this. Ms. Kerchner stated that she does not want to not have changes made because of personnel. She added that this should be for all Township ordinances.

Mr. Sechrist asked Mr. Cheeseman if he had any suggestions on how to deal with solar. Mr. Cheeseman commented that he would like the Board to look into it. He explained that this case was on a 15 acre property. It would allow residents to benefit by purchasing a share instead of having solar panels placed on the resident's dwelling. Ms. Kerchner questioned if it would be similar to the array at Morningstar Markets. Mr. Allison stated that this one would have been similar in size. He advised that if the Board wants to promote solar farms in zones other than the Industrial Zone, the ordinance will need to be changed. Mr. Cheeseman commented that the appeal may determine that the Zoning Hearing Board's determination is invalid.

Mr. Sechrist questioned if the contested solar farm that was proposed in West Manchester Township was approved. Mrs. Gunnet advised that it was.

Mr. Allison noted that they are already working on regulations for solar and he will provide information on the Site Plan requirements to the Board.

9. Public Works:

- A. Ms. Kerchner advised that the Board has received the monthly report for January. She commented that the replacement of the muffin monster at the Panorama Hills Pump Station will be costly. Mr. Trout stated that it was installed in 2015. He explained that the flows are not enough for it to function properly. The station was designed with the anticipation for more housing to flow there but that has not occurred. He advised that they are going to make some changes internally to hopefully help.

Ms. Kerchner commented that she understands that the newest employee, James Couch, is doing well on the job. Mr. Trout stated that he did a good job during the one snow event and he has been learning how to operate the vac truck. Mrs. Gunnet added that he was able to handle a sewer call by himself and did a great job.

B. Security Reduction for Reserve Sewer Capacity:

David & Arla Stein – Reduction of \$1,135.00

Mia Brae Industrial Park – Reduction of \$2,000.00

Kensington, Phases II A & B – Reduction of \$2,270.00

Mrs. Gunnet advised that under a previous Sewer Ordinance, developers were required to post a letter of Credit or a Bond to reserve sewer capacity. Reductions are then done in January to reduce the amount based on the number of permits issued in the prior year. On the motion of Kathy Kerchner seconded by Kim Moyer, the Board approved security reductions for David & Arla Stein in the amount of \$1,135.00, Mia Brae Industrial Park in the amount of \$2,000.00 and Kensington, Phases II A & B in the amount of \$2,270.00. Motion carried. Three votes yes.

10. Other Business:

- A. Ms. Kerchner advised that the Board has received the Zoning Report for December. There were no questions.
- B. Ms. Kerchner advised that the Board has received the Township Manager's Report for December. There were no questions.
- C. Community Center – Update – Mrs. Gunnet advised that the most recent sketch will be going before the Windsor Township Planning Commission at their meeting later this week. If they provide a favorable recommendation to move forward, it will be sent to Met-Ed and PennDOT.
- D. Rehabilitation of Windsor Wonderland – Update & Invoice from MRC – \$46,000.00 – Mrs. Gunnet advised that the contractor will be returning in March to complete the work. The equipment has been tarped for the winter. An invoice has been received from MRC for the concrete and framing work that has been completed. Mrs. Gunnet noted that she has applied to the County to receive funds from the Marcellus Shale Fund and Mr. Shaffer has submitted to DCNR for the equipment. This should result in all income and expenses to occur within the 2023 calendar year.

Ms. Kerchner asked how many pickleball courts are planned for at Freysville Park. Mrs. Gunnet advised that there will be 4 pickleball courts and two tennis courts.

- E. Windsor Township Recreation Commission – Update & Year #1 overview – Ms. Kerchner advised that the Board has received a copy of the profit and loss sheet from Mr. Shaffer recapping the first year that the recreation department is under Windsor Township. She stated that the department had

a profit of \$9,756.37. She noted that it has been discussed on how to set fees to make sure that the department is profitable especially with the expenses of the Community Center once it is open.

Ms. Kerchner stated that there is an opening on the Recreation Commission as Leanne Good has chosen not to be reappointed. Mr. Shaffer had given two suggestions for her replacement. One of the candidates does not live in the school district but has children in the district. She explained that one member will be up for reappointment each year so there should be some type of procedure in place. Ms. Kerchner advised that the Board had decided that they wanted to reach out to multiple individuals to see if there are others interested in this position. Mr. Shaffer will be preparing a list of requirements and questions that will be given to each potential candidate to complete. She asked if the Board would be opposed to having someone on the Board who does not live in the Township or school district. It was the consensus of the Board that the member would not be required to live in the Township or Red Lion School District.

Lynn Cheeseman, 910 Cranberry Lane, asked if you need to have children in the programs to be on the Recreation Commission. Ms. Kerchner stated that if a person has experience to provide and is qualified, then they could serve.

- F. Windsor Township Employee Handbook – Approval – Mrs. Gunnet advised that the Board has received the final copy of the handbook. She stated that she has prepared a summary of changes for the employees so that they are aware of where changes took place. As changes are made in the future, the employee will receive a new updated copy. Ms. Kerchner advised that she will hold a meeting with all the employees to address the changes. Mr. Sechrist thanked Ms. Kerchner, Mrs. Gunnet and Mr. Allison for the time they spent updating the handbook. On the motion of Kathy Kerchner seconded by Kim Moyer, the Board approved the Windsor Township Employee Handbook. Motion carried. Three votes yes.
- G. Stormwater Facilities Maintenance and Monitoring Agreement: Kevin & Candis Stoecker – 905 Dietz Road – Mr. Allison advised that this is a standard Operation and Maintenance Agreement for the construction of a dwelling. On the motion of Kathy Kerchner seconded by Kim Moyer, the Board approved the Stormwater Maintenance and Monitoring Agreement for Kevin & Candis Stoecker. Motion carried. Three votes yes.
- H. Ms. Kerchner advised that the Board meeting scheduled for February 6, 2023 will be cancelled.
- I. DCED Grant: Priority List
 - Quote – Digital signs at Administrative Building & Freysville Park
 - Quote – IT upgrade – Board Room & Conference Room

Mrs. Gunnet advised that she has provided the Board with a priority list for purchases. She noted that she already had quotes from COSTARS vendors for digital signs at the Township Office and Freysville Park and IT updates in both the Board Room and Conference Room. She stated that quote

for the signs also included a sign in front of the building to the left of the doors that currently lists the office hours. She questioned if this sign is necessary as it costs approximately \$10,000. The quote for the IT upgrades includes television screens, speakers, new microphones and other technology improvements. She commented that she feels that the signs and IT upgrades should be done.

Mrs. Gunnet advised that some of the other items on the list included new carpet and paint in the Board room as well as the replacement of the audience and Board chairs. The furniture in the hallway was also listed.

Ms. Kerchner advised that the Township has been working to upgrade the IT. She asked if all of the computers are up to date in the office. Mrs. Gunnet advised that they are and the server is as well. She informed that Kyocera has been contacted about the migration to Office 365.

Mrs. Gunnet advised that she is earmarking \$500,000 for purchases for the Community Center. She added that if the Township does not receive a grant for the HVAC upgrades at the Township Office, it will come from these funds.

It was the consensus of the Board to move forward with all of the items discussed with the exception of the small sign at the Township Office.

- J. Wellness Grant – Funds received – \$1,000.00 – Mrs. Gunnet advised that the grant funds have been received. Each employee will receive a cooler filled with an ice pack, cooling towel, bottled water and \$30 in produce vouchers.
- K. Rehabilitation of Tennis Courts – Denial of grant from Marcellus Shale Legacy Fund – Mrs. Gunnet advised that the grant that was applied for to rehab the tennis courts has been denied. Ms. Kerchner asked if there was a reason provided. Mrs. Gunnet advised that the letter stated that there were many good applications and the funding available was exceeded.
- L. Ms. Kerchner advised that the Board has received a copy of the 2022 Building Permit Report. Mr. Allison stated that there were 15 permits issued for new homes. He noted that he does not anticipate that many for 2023 as most of the lots within the approved developments have had permits issued.
- M. Short Term Disability Insurance change – Ms. Kerchner advised that she had requested that Mrs. Gunnet look into alternatives for an increase in the Short Term Disability insurance. The current policy provides a payout of \$150 per week for up to 26 weeks. All accumulated sick, comp and vacation time must be used before the employee is eligible for short term disability insurance. The Board has been provided with quotes with different options. She stated that as the amount per week increases, the premium substantially increases. Ms. Kerchner stated that her employer provides a plan that pays 60% of an hourly employee's rate and 80% of a salary employee's rate. She requested that Mrs. Gunnet look into options that pay a percentage of the employee's salary.

- N. Kensington fence agreements: Gary & Lynda Folk – 545 Rosewater Drive
Dustin & Carla Piersol – 535 Rosewater Drive

Mr. Allison explained that there are stormwater easements on the lots in Phase I of Kensington and fencing was not permitted to be located within them. The residents came before the Board many years ago and had requested that fences be permitted if they entered into an agreement with the Township which would allow for the Township to have the right to access the property. The Board agreed to allow for this and one of the requirements is that at 10' wide access gate is installed on every side property line. The agreement waives the Township of any responsibility in regards to the fencing. The agreements are recorded with the Records of Deeds Office. He stated that there are two agreements for approval tonight. These lots adjoin each other on Rosewater Drive. On the motion of Kathy Kerchner seconded by Kim Moyer, the Board approved the fence agreements for 545 Rosewater Drive and 535 Rosewater Drive. Motion carried. Three votes yes.

11. Unfinished Business:

- A. Republic Services – Request to require recycling totes to be used – Mrs. Gunnet advised that she had contacted Republic Services and informed them that the Township would be willing to accept \$20 per tote. A notice has been prepared and reviewed by the Township that will be mailed to the residents. Republic Services has agreed that they will continue to pick up the small bins but the flyer encourages them to use a tote. Mrs. Gunnet commented that the Township has a large supply of the rectangular bins but does not believe residents will purchase them if they are being provided a tote free of charge. She questioned if the Board would be interested in providing them for free. It was the consensus of the Board to provide the recycling bins for free if a resident preferred to use that size.
- B. Non-Uniform Pension – Sick Leave payment – Mrs. Gunnet advised that she has not heard back from PMRS. Ms. Kerchner asked if the employees have reached out to her. Mrs. Gunnet stated that they have not but they may not know of the change.

12. Public Comment – Lynn Cheeseman questioned if she was travelling for a year if she would be permitted to put her property up for rent for that timeframe. Mr. Allison stated that she could if she was not living there. She questioned if she could rent it on a monthly or weekly basis. Mr. Allison advised that currently the Township does not have a list of rental properties so it would be hard to enforce. Mr. Allison stated that short term rentals are difficult to address. He commented that this is a topic that has been discussed at the York County Zoning Officer's meetings. He stated that Lancaster has tried to implement an Ordinance and has had issues. Ms. Cheeseman questioned what would happen if a neighbor would complain about a rental situation. Mr. Allison advised that in the past the Township has sent a letter regarding the issue at hand.

Ed Heindel, Windsor, questioned how short term rentals differ from a hotel. Mr. Allison stated it would be based on the definition within the Windsor Township Zoning Ordinance and added that a hotel is a commercial establishment versus a residential use. Mr. Allison advised that if the Board desires to

create an Ordinance, he would need to work directly with Attorney Rausch. He noted that many issues with neighbors disturbing each other can be handled through the Police Department.

13. Supervisors Comments – Ms. Kerchner asked the Board if they had any comments. Mr. Sechrist wished everyone a good year in 2023. He stated that the employees are doing a good job.

Mr. Moyer agreed with Mr. Sechrist's comments.

Ms. Kerchner stated that she is looking forward to the playground being finished and the upgrades that the Township is making. She commented that she is thankful for all of the funds that the Township has received. She added that she appreciates all of the employees and the good work they do.

14. On the motion of Kathy Kerchner seconded by Kim Moyer, the bills were approved. Motion carried. Three votes yes.

15. The meeting of the Windsor Township Board of Supervisors adjourned at 7:50 p.m.

Respectfully submitted,

Jennifer L. Gunnet
Secretary

CITIZENS PRESENT
January 16, 2023

John & Lynn Cheeseman
Ed Heindel
Timothy Damon
Scott Gingrich

910 Cranberry Lane York PA
P.O. Box 44 Windsor PA
York County Regional Police Dept.
Alliance Fire Company