

WINDSOR TOWNSHIP BOARD OF SUPERVISORS

July 17, 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, Rodney Sechrist, Kim Moyer, 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 June 19, 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 received a letter from the York County Agricultural Land Preservation Board providing information on the acreage and location of the land preserved within the Township. She stated that there is 664.029 acres preserved which is mostly located along the border with Lower Windsor Township and off White Oak Road.
5. Windsor Township Fire & Rescue Association – Dave Rittenhouse was present. He advised that he is the Chief at Laurel Fire Company. He informed that the next SOG Meeting will be held on July 25, 2023 at 7:00 p.m.
 - A. Mr. Rittenhouse advised that the next Fire Chief’s meeting will be held on August 24, 2023 at Yorkana Fire Company.
 - B. Simulator repair – Update – Mr. Rittenhouse reported that Mr. Gingrich is working with Kinsley.
 - C. Fire Company Scholarship – Ms. Kerchner advised that the meeting is going to be recessed so that pictures may be taken outside the Township Office with members of Faith Brady’s family as well as representatives from Laurel Fire Company in front of their fire truck.

The meeting recessed at 6:03 p.m. The meeting reconvened at 6:08 p.m.

- D. Mrs. Gunnet advised that she received a request from a parent from SAFER requesting that the Township reopen the scholarship since only one application was received. There was a communication error and it was not known of the deadline to file. Mrs. Gunnet stated that she informed the parent that if it were reopened, it would be open to all 4 fire companies.

Ms. Kerchner commented that the funds were budgeted so she does not have an issue reopening the scholarship application. The Board agreed and it was the consensus to reopen and set the deadline to apply to September 30, 2023.

6. York County Regional Police Department – Sergeant Joel Good was present. He stated that Chief Damon had asked him to provide information regarding the playing of pickleball on Margherita Court.

Sergeant Good advised that the painting of the road is considered criminal mischief. The Township would need to press charges.

Sergeant Good reported that it is not legal to drive a golf cart on the road. However, it is legal to cross a road in a golf cart. A person can be charged with DUI if operating a golf cart under the influence. This is something that can be addressed by the police department.

Sergeant Good stated that the activity could be considered obstructing a highway if a vehicle is trying to access the roadway and a person refuses to move.

Sergeant Good advised that since the Township does not have an open bottle ordinance, a pedestrian with possession of alcohol does not mean that the person is under the influence. If there were signs of public drunkenness, this could be enforced by the police department.

Ms. Kercher questioned if there is a violation if a driveway is blocked with chairs. Sergeant Good advised that it could be an issue if the person is attempting to enter or exit the driveway and the chairs are not removed.

Ms. Kerchner questioned if a person is permitted to park their car in the center of the cul-de-sac. Sergeant Good advised that a vehicle must be parked parallel with a curb no more than 12” from the curb.

Ms. Kerchner thanked him for providing all of the information. She advised that the person in the development who made the initial complaint contacted her directly. The person complained to her that they were driving golf carts on the street and that they were drinking alcohol and chairs were blocking her driveway while they were playing in the street. She advised that she told her to call the police department to file a complaint as was discussed at the previous Board meeting. She stated that later in the day, the person sent her a video of the police officer playing pickleball with the neighbors.

Ms. Kerchner advised that she contacted Chief Damon to get additional information on what occurred. Chief Damon informed her that the call came in as anonymous. The officer went to the scene and did not find any violations. He was unaware of the issue with the neighbor and

agreed to play with them when invited. Sergeant Good confirmed that there is no law for playing in the street.

Ms. Kerchner stated that the person complaining asked if the Township could seal over the lines that were painted. She advised that she went out on site and determined that if the Township paints over the lines, it will only make the playing area more defined.

Mr. Trout advised that “No Outlet” and “Children at Play” signs have been installed on the street.

Mr. Allison advised that he was out on site this morning and spoke with several of the neighbors. He expressed to them that driving golf carts on the street is illegal. He also told them that they cannot repaint the court on the road. The residents informed him that the chairs were placed at the driveway entrance to help keep the balls from entering the driveway and off the property.

Ms. Kerchner asked if it is illegal to go on a person’s property to retrieve an item. Sergeant Good advised that if it is not posted a person could retrieve an item. However, if it is posted or if a person has been told not to enter a property, it would be considered trespassing.

Sergeant Good advised that if the complaint had come in with a person’s name, the officer would have reached out to them directly.

It was the consensus of the Board that there is no action that needs to be taken by the Township and Ms. Kerchner will reach out to the person who filed the complaint.

- A. The monthly report is available for review.
 - B. Resolution #2023R-08-01 – RACP Match – Mrs. Gunnet advised that the RACP requires a match in either an account or as obligated funds. This resolution obligates funds to a York Township account that would be used as matching funds for YCRPD. She stated that this would be a loan and an Agreement would be prepared and interest would be charged. If the grant is obtained, YCRPD would reimburse the Township when the funds were received. On the motion of Kathy Kerchner seconded by Kim Moyer, the Board approved Resolution #2023R-08-01. Motion carried. Three votes yes.
7. Robert & Lisa Gardner – 690 Bahn’s Mill Road – Stormwater Issue – Earlier in the day, Mr. and Mrs. Gardner informed the Township that they were not going to be able to be present this evening. The topic was tabled.
 8. Plans for approval:
 - A. PATRIOT DEPOT – Preliminary/Final Land Development Plan #1382.1A by Site Design Concepts, Inc., Cape Horn Road and Steinfelt Road – Neal Metzger from Site Design

Concepts and Christopher Ream from Patriot Depot were present. Mr. Metzger advised that this plan is for a retail sales facility for outdoor structures. The property is on Cape Horn Road just south of Steinfelt Road in the Neighborhood Commercial zoning district. He advised that they have obtained approvals from all outside agencies. They are before the Board this evening for approval of 7 waiver requests and plan approval.

Mr. Metzger advised that the waiver requests as follows:

1. Section 304.2.B & Section 305.2.B – Plan size
2. Section 305.2.B.18 – Clear Site Triangle
3. Section 502.2.J – Widening of cartways
4. Section 504.2.A – Vertical alignment of access drive
5. Section 504.2.B – Horizontal alignment of access drive
6. Section 504.2.F – Access drive paving requirements
7. Section 504.2.H – Width of access drive

Mr. Kraft advised that he does not have any issues granting the waivers. He noted that some of these requests are required so that PennDOT's regulations will be met.

On the motion of Kathy Kerchner seconded by Rodney Sechrist, the Board approved the waiver requests as presented and the preliminary/final land development plan. Motion carried. Three votes yes.

9. Township Engineer:

- A. Engineer's Report – Mr. Kraft advised that the Board has received his report. There were no questions.
- B. Public Works Addition – June 8, 2023 Construction meeting
 - Payment Applications: Uhrig #10 – \$197,315.06
 - Shannon A. Smith, Inc. #7 – \$26,764.00
 - HRI, Inc. #7 – \$15,882.93
 - Garden Spot Mechanical #6 – \$54,082.39
 - Change Orders: Uhrig #3 – Additional Paving – \$19,966.13
 - Shannon A. Smith #2 – Roof curbs – (\$1,950.00)

Mr. Kraft advised that the building is almost finished.

Mr. Kraft advised that there are four payment applications for approval. They are payment application #10 from Uhrig Construction in the amount of \$197,315.06, #7 from Shannon A. Smith, Inc. in the amount of \$26,764.00, #7 from HRI, Inc. in the amount of \$15,882.93 and #6 from Garden Spot Mechanical in the amount of \$54,082.39. On the motion of Kathy

Kerchner seconded by Kim Moyer, the payments were approved. Motion carried. Three votes yes.

Mr. Kraft advised there are two change orders. He advised that the first change order is from Uhrig Construction for additional paving in the amount of \$19,966.13. The second change order is from Shannon A. Smith. This is a reduction in the amount of \$1,950.00 as the roof curbs were listed twice. On the motion of Kathy Kerchner seconded by Rodney Sechrist, the Board approved the Change Orders for Uhrig Construction and Shannon A. Smith. Motion carried. Three votes yes.

- C. Mr. Moyer questioned the status of the Community Center. Mr. Kraft advised that he hopes to have more for the Board at the August meeting as they are still working with Met-Ed. He added that they are continuing to move forward with the stormwater designs.

10. Solicitor:

- A. Intermunicipal Agreement – Red Lion Municipal Authority – Attorney Rausch advised in 1977 an agreement was approved with Red Lion for Windsor Township to use Red Lion’s sewer lines. There is now a property in Red Lion Borough that needs to utilize Windsor Township’s sewer lines. An Intermunicipal Agreement has been prepared. It uses the same formulas. However, the \$1,600 annual user fee has been removed. He noted that they are working on the fine details but feels that the Board could approve the agreement upon final review by the solicitor. On the motion of Kathy Kerchner seconded by Rodney Sechrist, the Board approved the Intermunicipal Agreement with the Red Lion Municipal Authority upon final review by the Township Solicitor. Motion carried. Three votes yes.

11. Public Works:

- A. Ms. Kerchner advised that the Board has received the monthly report for July. There were no questions.
- B. Traffic Signal Maintenance & Repair – Update – Mrs. Gunnet advised that Attorney Rausch has prepared an agreement for traffic signal maintenance and repairs. This would include signals, flashers and other traffic devices. She stated that this will be sent to other municipalities to see if they are interested in entering into a joint bid with the Township. It would go out to bid in September.
- C. Appointment of CDL Drug & Alcohol Personnel for probable cause testing – Mrs. Gunnet advised that she, Mr. Trout and Mr. Allison listened to a webinar regarding probable cause testing. It was stated that the Township should appoint supervisory personnel that could initiate probable cause testing. Ms. Kerchner questioned if this is different than the random

drug and alcohol testing that is done. Mrs. Gunnet advised that the random tests are done quarterly. This would be if the employee seems suspicious. On the motion of Kathy Kerchner seconded by Kim Moyer, the Board appointed Jennifer Gunnet, Jeremy Trout and Kipp Allison as Personnel for probable cause testing. Motion carried. Three votes yes.

- D. Vacancy in Highway Department – Starting wage – Ms. Kerchner advised that the exit interview was held with Jonathan Andersen today. She stated that he is not leaving the Township on bad terms. He has been offered a job elsewhere making more money.

Mr. Sechrist questioned if the Township paid for Mr. Andersen to obtain his CDL. Mr. Trout advised that he already had his CDL.

Mrs. Gunnet advised that the wage scale for this position would be \$21.50 if the applicant already has a CDL with a \$.50 raise after their probation period. If the applicant does not have a CDL, the starting wage would be \$20.50 with a \$.50 raise after the probation period and a \$1.00 raise once the CDL was obtained.

Ms. Kerchner questioned if the Township pays for an employee to obtain their CDL. Mrs. Gunnet advised that we do. Ms. Kerchner questioned the cost for this. Mr. Moyer asked how long it takes to get a CDL. Mrs. Gunnet advised that the employee works with an instructor and when he feels that they are ready to take the test, he makes that recommendation. VoTech has a facility in York that does the CDL driving tests. She stated that the last employee that the Township had paid for to get their CDL was James Couch and it took a couple months and cost a little less than \$2,000.

Ms. Kerchner advised that she is satisfied with the rates. She noted that if there was a salary increase for 2024, this employee would receive that as well. On the motion of Kathy Kerchner seconded by Rodney Sechrist, the Board adopted the wage scale for 2023 as presented. Motion carried. Three votes yes.

12. Other Business:

- A. Ms. Kerchner advised that the Board has received the Zoning Officer's Report for June. There were no questions.
- B. Ms. Kerchner advised that the Board has received the Township Manager's Report for June. There were no questions.
- C. Ms. Kerchner advised that the Board has received the Dog Officer Report for June. There were no questions.

- D. Stormwater Operation & Maintenance Agreement – Stephen S. Kinsinger – 550 Dull Road – Mr. Allison advised that this is an amended Agreement for Mr. Kinsinger. He had obtained permits for a dwelling and a barn. He is now adding a hoop barn to the property. On the motion of Kathy Kerchner seconded by Rodney Sechrist, the Board approved the Stormwater Operation & Maintenance Agreement for Stephen S. Kinsinger. Motion carried. Three votes yes.

Mr. Moyer questioned what a hoop barn is. Mr. Allison advised that it typically has a block wall foundation but they have a high flexible tarp ceiling supported by metal hoops.

- E. Community Center – Update – Discussed under 9C.

- F. Recreation Commission: Update

York USA Soccer - \$3,000

Increase to Liability Insurance to continue using Red Lion Area School District Fields

Ms. Kerchner advised that the June Recreation Commission meeting was cancelled.

Ms. Kerchner stated that at the last meeting the Board had approved the donation of the funds received from York USA to go to the Red Lion Area School District for Junior High soccer teams if a program is started. She advised that she had informed that the amount was \$2,000 but it was actually \$3,000. She questioned if the Board has an issue increasing the amount to \$3,000. There was no opposition. On the motion of Kathy Kerchner seconded by Kim Moyer, the Board approved to increase to donation amount from \$2,000 to \$3,000 toward a Junior High soccer team. Motion carried. Three votes yes.

Mrs. Gunnet advised that the School District is now requiring that anyone who is reserving school facilities to carry a minimum of \$5,000,000 in Liability Insurance. Mr. Shaffer had contacted the school district to verify that this applies to the usage of Pleasant View and LJM Elementary Schools as we have an agreement with them. They informed that this amount is still required. She stated that the Township currently carries \$3,000,000. She advised that she contacted Kocman Insurance and this will result in an increase of \$1,100 per year. Mr. Moyer commented that the Township does not have an option as the fields are needed to run our programs. On the motion of Kathy Kerchner seconded by Kim Moyer, the Board approved to increase the Liability Insurance policy to \$5,000,000. Motion carried. Three votes yes.

- G. Freysville Park: GaGa Ball Pit – Rubber flooring
Camera system
Concrete warranty – 1 year from March 17, 2023

Mrs. Gunnet advised that Mr. Shaffer has received a few phone calls that children are scraping their knuckles on the concrete in the gaga ball pit. He looked into options for a flooring and found a rubber tile system which would cost approximately \$1,700. She commented that this one had raised bubbles which could affect the play. Mr. Moyer suggested placing an indoor/outdoor carpet in it. Mrs. Gunnet stated that she would have Mr. Shaffer look into other options. Mr. Allison commented that he does not feel that it is necessary to make any changes. He stated that there are very few complaints in comparison to the hundreds of children that play in the gaga ball pit and it always seems to be in use. The Board tabled the topic.

Mrs. Gunnet advised that the camera system has been upgraded. The recent storms damaged a component but the part has been ordered. She stated that the cameras have been used twice to view people who were illegally dumping at the park. She stated that they were able to zoom in and view the license plates.

Ms. Kerchner asked if the cameras can be viewed from the Township Office. Mrs. Gunnet advised that they can. They can also be viewed on a phone. Mr. Sechrist questioned if there is a delay with the feed. Mr. Allison advised that it is a live stream.

Ms. Kerchner thanked Mrs. Gunnet for looking into the warranty. She noted that the warranty is for one year from March 17, 2023. She questioned if it covers materials and labor. Mrs. Gunnet advised that it covers both.

- H. Mrs. Gunnet advised that she had been working with a company called PRINT for a map and informational guide newsletter. It was originally planned to be done this May but they had staffing issues. It is now planned to go out in January or February 2024. They will be contacting businesses to buy ads. This is how the cost for the printing is covered. The Township will be responsible for paying for the postage.
- I. Electric Generation rate – effective January 2024 – Mrs. Gunnet advised that APPI is the Township’s electric broker. They have gone out for bids for the electric generation rate as the current contract expires in January 2024. They were expecting additional bids to be opened today but have not reported if a rate was lower than the bid received on July 14, 2023. The current low bidder was Freepoint in the amount of 7.5 cents per kilowatt hour. The contract would be for forty-eight months. She requested that the Board award the bid to the low bidder so that they can move forward with a contract once the bids are finalized. On the motion of Kathy Kerchner seconded by Rodney Sechrist, the Board awarded the bid for the electric generation rate to the low bidder. Motion carried. Three votes yes.
- J. Ms. Kerchner advised that the Board meeting scheduled for August 7, 2023 will be cancelled.

- K. Ms. Kerchner advised that the Township will be holding a shredding event at the Township Office on Thursday, October 5, 2023 from 3:00 p.m. to 6:00 p.m. There is a two box limit. The event is for Township residents only. Businesses are not permitted.
- L. Ms. Kerchner advised that the Township will be holding an Electronic Recycling Event on Saturday, October 21, 2023 from 9:00 a.m. to 12:00 p.m. at the Public Works Building. A Boy Scout Troop will be present to assist.
- M. Ms. Kerchner advised that the Board has received the Building Permit Report for the first half of 2023. There were no questions.
- N. Positive Pay – General & Sewer Funds – Mrs. Gunnet advised that Positive Pay is a fraud prevention tool. When a check is presented to be cashed, the check number, date, payee and the amount are verified with a list that has been provided to the bank to confirm that the check has not been altered. She commented that Spring Garden Township recently had a check in which the payee was changed. When they discovered that this had occurred, the bank would not make the correction due to the amount of time that had lapsed from the check being cashed. The cost to add Positive Pay to the General and Sewer Funds would be approximately \$1,000 per year for each fund. She stated that most of the checks are written from these funds and she feels this is worth the cost to protect the Township from fraud. On the motion of Kathy Kerchner seconded by Kim Moyer, the Board approved to add Positive Pay to the General and Sewer Funds. Motion carried. Three votes yes.
- O. Kensington, Phase I – Walking trail – Mr. Allison advised that Keystone Custom Homes is finalizing Phase I of the Kensington Development. On the original subdivision plan there was a walking trail from Rosewater Drive to the LJM Elementary School that was required under the Cluster Overlay approval. After the subdivision was created, a land swap occurred between Keystone Custom Homes and the Red Lion Area School District. Neither Keystone Custom Homes nor the Red Lion Area School District are able to locate any agreements in regards to the installation of this trail. The school district does not want the trail to be installed as the majority of it will now be located on their property. They do not want the maintenance or the liability of the trail.

Mr. Moyer questioned if the trail was shown on the subdivision for the land swap. Mr. Allison advised that it was not shown.

Mr. Allison advised that there are grade changes in this area. Approximately 80' of trail would be located on the property owned by Keystone Custom Homes. Attorney Rausch questioned if this is open area. Mr. Allison advised that it is.

Mr. Allison questioned how the Board would like to handle this as it was a requirement of the development. Mr. Kraft noted that there is not an easement area for Keystone Custom

Homes to go onto the school district's property. Mr. Moyer recommended that the trail be eliminated. The Board agreed. Mr. Allison advised that he will inform Keystone Custom Homes, the Homeowner's Association and the Red Lion School District of the Board's decision.

13. Unfinished Business – There was none.

14. Public Comment – Kathy Gilbert, 885 Delta Road, commented that it was refreshing to hear about the children playing pickleball outside. Ms. Kerchner agreed but stated that it was necessary for the Board to take action because this would affect all locations within the Township.

15. Supervisors Comments – Ms. Kerchner asked the Board if they had any comments. Neither Mr. Moyer nor Mr. Sechrist had any comments.

Ms. Kerchner questioned if the Township would be participating in the salary survey being done by PSATS. Mrs. Gunnet advised that we are.

Ms. Kercher advised that at the July Police Commission Meeting, a Letter of Intent was submitted from Spring Garden requesting to merge with the York County Regional Police Department. They would like to be a Charter Member which would increase the count to 4. She commented that when the police departments merge, it saves money.

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 7:25 p.m.

Respectfully submitted,

Jennifer L. Gunnet
Secretary

CITIZENS PRESENT

July 17, 2023

Corporal Joel Good
Dave Rittenhouse
Ned Souder
Dakoka Crumling
Mr. & Mrs. Golembiowski
Seth Davidson
Jerry & Kathy Gilbert
Neal Metzger
Christopher Ream

York County Regional Police Department
Laurel Fire Company
Laurel Fire Company
Laurel Fire Company

225 Manor Road Red Lion PA
885 Delta Road Red Lion PA
Site Design Concepts
Patriot Depot