

WINDSOR TOWNSHIP BOARD OF SUPERVISORS
November 20, 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, 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 October 16, 2023 and November 14, 2023 meetings were approved. Motion carried. Two 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.
5. Windsor Township Fire & Rescue Association – Scott Gingrich was present.
 - A. Mr. Gingrich advised that the next Fire Chief’s meeting will be held on December 28, 2023 at Alliance Fire Company, Red Lion Station.
 - B. Simulator repair – Mr. Gingrich stated that he has not heard back from the Kinsley representative. He stated that he will follow up with a phone call.
 - C. Mrs. Gunnet advised that scholarships are being awarded to Layla Sabold and Owen Strouse. She commented that Mr. Strouse was unable to attend the meeting this evening. Ms. Kerchner presented the scholarship to Ms. Sabold and pictures were taken.
6. York County Regional Police Department – No one was present.
 - A. The monthly report is available for review.
7. Plans for approval:
 - A. ERIC J. RIDDLE & KURT T. & CHRISTINE M. KESSLER – Final subdivision plan by Gordon L. Brown & Associates, Riddle Road & Mt. Pisgah Road – Lee Faircloth of Gordon L. Brown & Associates was present. He informed that Mr. Riddle is also present. Mr. Faircloth explained that this plan combines four parcels and realigns them. Land will be added to the property owned by Kurt and Christine

Kessler and Mr. Riddle will own the two remaining tracts. Mr. Faircloth advised that they are requesting five waivers as follows:

- Section 304.2.B – Plan sheet size
- Section 502.2.J – Roadway widening
- Section 503.1 – Installation of curbs
- Section 503.2 – Installation of sidewalks
- Section 510.4.B – Corner marker size

Mr. Kraft stated that he does not have any issues with the granting of the waivers and all outstanding comments have been addressed. On the motion of Kathy Kerchner seconded by Kim Moyer, the Board granted the waivers as requested and approved the plan. Motion carried. Two votes yes.

8. 2024 Budget: Open for Inspection & Adoption scheduled for December 18, 2023 – Mr. Allison reviewed the budget noting that 48% of the budget is comprised of public safety and 29% is public works. The Real Estate millage rate will remain at .85 and the fire hydrant tax will remain at .25 mils. ARPA funds will be transferred to the General Fund. 2024 will be year three of the five year contract with the fire companies. The sewer bill rate will remain at \$120 per quarter. Construction of the Community Center is budgeted for 2024. He advised that the budget is open for review at the Township Office and is planned for adoption at the December 18, 2023 Board meeting.

Ms. Kerchner thanked Mr. Allison and Mrs. Gunnet for their hard work preparing the budget. She added that she is glad that it will not be necessary to raise taxes.

9. Township Engineer:

- A. Engineer's Report – Mr. Kraft advised that the Board has received his report. There were no questions.
- B. Security Reductions – Kensington, Phase I – Mr. Kraft advised that the fencing around the basin has been completed and the final release may be made in the amount of \$40,656 for Kensington, Phase I. On the motion of Kathy Kerchner seconded by Kim Moyer, the Board approved the security reduction for Kensington, Phase I. Motion carried. Two votes yes.

10. Solicitor:

- A. Commonwealth Court ruling – Additions to Agenda – Attorney Rausch advised that the Commonwealth Court has made changes to the Sunshine Act. A vote is now required by the Board to amend an agenda.

- B. Attorney Rausch advised that an Executive Session will be held after the meeting to discuss possible litigation regarding the overturning of the Zoning Hearing Board's decision of the Windsor Solar application.

11. Public Works:

- A. Ms. Kerchner advised that the Board has received the monthly report for September. There were no questions.
- B. Traffic Signal Maintenance bid results – Mrs. Gunnet advised that the bid results are attached to the Board's agendas. The low bidder is C.M. High. Ms. Kerchner commented that there is a large range in the bid figures. Mrs. Gunnet agreed and added that the Township, among other municipalities, are using C.M. High now. She stated that there have not been any issues using them and they have provided the Township with troubleshooting items to avoid service calls. Attorney Rausch questioned if this bid is for just Windsor Township or for all the municipalities that wanted to enter into the joint bid. Mrs. Gunnet advised that this is the joint bid. Each municipality will be invoiced for work that takes place within their jurisdiction. The contract will be for three years. Mr. Moyer questioned how many traffic signals this covers. Mrs. Gunnet advised that it covers all the municipalities so there are about four pages worth of intersections. On the motion of Kathy Kerchner seconded by Kim Moyer, the Board awarded the Traffic Signal Maintenance bid to C.M. High. Motion carried. Two votes yes.
- C. Sale of equipment/furniture – 1999 Cub Cadet Snowblower & Chairs – Mrs. Gunnet advised that the bid results are attached to the Board's agendas. Both the snowblower and the chairs were sold on MuniBid. The snowblower sold for \$925 and the old boardroom chairs with arms sold for \$240. On the motion of Kathy Kerchner seconded by Kim Moyer, the Board approved the sale of the snowblower and chairs to the high bidders. Motion carried. Two votes yes.
- D. Red Lion Municipal Authority request to connect to sanitary sewer main on Freysville Road – Mrs. Gunnet advised that the Red Lion Municipal Authority has submitted an official request to connect to the Township's sewer line on Freysville Road near Woodridge Road so that they can eliminate their pumping station at the corner of Summit Drive and Freysville Road. She stated that they would provide the Township with an EDU Report and pay for the usage. There are currently 69 EDUs. Mr. Kraft informed that this does not pose an issue for the Township for capacity. On the motion of Kathy Kerchner seconded by Kim Moyer, the Board approved for the Red Lion Municipal Authority to connect to the sanitary sewer main on Freysville Road. Motion carried. Two votes yes.

- E. Approval to purchase – 2024 Budget – Brushcat rotary mower – \$8,647.60 – Mr. Trout advised that he has been informed that there is going to be a price increase for the Brushcat mower that is budgeted for 2024. He requested approval to place the order now with payment to be made in 2024. On the motion of Kathy Kerchner seconded by Kim Moyer, the Board approved the purchase of a Brushcat rotary mower in the amount of \$8,647.60. Motion carried. Two votes yes.

- F. Mr. Trout advised that in his Monthly Report he indicated that there are different types of jetter nozzles that are used to clean pipes. He stated that they are finding that they are unable to properly clean the sediment that is collecting in the bottom of the stormwater pipes. There is a specific nozzle called a Flounder that fans out the spray and can clean the entire pipe. He commented that they borrowed one from York Township to try and found it to work for this purpose. Mr. Trout stated that since they are working with stormwater pipes more often, he would like to purchase this type of nozzle. Ms. Kerchner questioned if the purchase would be made from the 2023 budget or 2024. Mrs. Gunnet advised that there are funds left in the 2023 budget. On the motion of Kathy Kerchner seconded by Kim Moyer, the Board approved the purchase of a jetter nozzle in the amount of \$1,560.50. Motion carried. Two votes yes.

12. Other Business:

- A. Ms. Kerchner advised that the Board has received the Zoning Officer's Report for October. There were no questions.

- B. Ms. Kerchner advised that the Board has received the Township Manager's Report for October. There were no questions.

- C. Ms. Kerchner advised that the Board has received the Dog Officer Report for October. There were no questions.

- D. Recreation Commission: Update – Ms. Kerchner advised that she did not attend the November meeting. She reported that there was an issue with harassment on one of the soccer teams and this has been addressed.

- E. Ms. Kerchner advised that the Board meeting scheduled for December 4, 2023 will be cancelled.

- F. Windsor Township Employee Handbook – Vacation Days – Ms. Kerchner advised that the employee vacation, personal and sick days will continue to be handled as it is now. She stated that she feels the timeframe to earn additional weeks of vacation is too long. Currently an employee receives two weeks at the beginning of the year

after they are employed. Three weeks is given at the start of the tenth year and four weeks are given at the start of the fifteenth year. During the first year that an employee is hired, four hours are earned for each full month worked. She stated that she had requested that Mrs. Gunnet look into this. Information was requested from other municipalities to see how each addresses vacation days. Mrs. Gunnet stated that some provide up to 25 vacation days and some allow days to be carried over. There was discussion on the different options. Ms. Kerchner suggested earning three weeks after five years of employment, four weeks after ten years and five weeks after fifteen years. It was the consensus that this would be tabled until the December Board Meeting when all three supervisors would be present.

- G. Stormwater Operation & Maintenance Agreement – Travis Solomon & Georgia Nace– 615 Pleasant Grove Road – Ms. Kerchner advised that this is the standard agreement for a new home being constructed. On the motion of Kathy Kerchner seconded by Kim Moyer, the Board approved the Stormwater Operation & Maintenance Agreements for Travis Solomon and Georgia Nace. Motion carried. Two votes yes.
- H. Ms. Kerchner advised that the 2024 Reorganizational meeting will be held on January 2, 2024.
- I. Ordinance No. 2023-11-01 – Open & Confined Burning Ordinance – Adoption – Mr. Allison advised that the previous Open and Confined Burning Ordinance and the Declaration for a Burn Ban Ordinance have been combined and updated as recommended by the Police and Fire Departments. This Ordinance repeals both of the previous ordinances. The dimensions for an open burn have been updated as recommended by the Board. Mrs. Gunnet added that this will give the Fire Departments guidance for enforcement. On the motion of Kathy Kerchner seconded by Kim Moyer, the Board approved Ordinance No. 2023-11-01. Motion carried. Two votes yes.
- J. Investment Accounts – 2024 – Mrs. Gunnet advised that each year the interest rates are checked for the Investment Accounts. She stated that the Board has received a summary of rates that were received.

She advised that the accounts are currently at Peoples Bank. The interest rate for 2023 was to be no lower than 2%. They are providing a floor of 4.25% for 2024. PLIGIT has quoted a rate of 5.52% but with no floor. She stated that she looked online for articles providing predictions for interest rates in 2024. She found that most reports are anticipating that they will decrease. She noted that she has already seen a decrease in the interest rate for CDs. She questioned if the Board would like to be more aggressive or conservative. Mrs. Gunnet noted that the Investment Accounts

are currently earning 3.85% interest. She added that the rate could go higher than 4.25% in 2024 but not lower. Without having a floor, the PLIGIT rate could drop below this.

Mr. Moyer asked who PLIGIT is. Mrs. Gunnet advised that they are a government agency and not a bank but they accept money to invest. She commented that they had a display table at the PSATS seminar they attended in Lancaster.

On the motion of Kathy Kerchner seconded by Kim Moyer, the Board approved to keep the Investment Accounts at Peoples Bank. Motion carried. Two votes yes.

- K. Possible rezoning – 3320 East Prospect Road – CN to R-1 – Mr. Allison advised that the vacant lot at 3320 East Prospect Road was rezoned from R-1 to CN in 2012. When this zoning classification was created, lots along East Prospect Road, east of Christensen Road were rezoned. He stated that he feels this lot was included because it was vacant. The owner of the lot is requesting to rezone the lot back to R-1. He noted that this would not be spot zoning as the adjoining lot is zoned R-1. There was a previous subdivision that proposed this as a residential building lot. They would now like to sell the lot and most potential buyers want to build a house on the lot but this is not permitted in the CN zone.

Don Landis, 3330 East Prospect Road, was present. He is the son of the owner. He stated that in 2007, a subdivision was done to add land from this vacant parcel to the adjoining lot on which their home was located. The subdivision showed a potential house location on the lot. He stated that he was unaware that the property had been rezoned to CN. He commented that he does not feel that this half acre lot can be developed under the Neighborhood Commercial zoning regulations and requested to have it rezoned back to R-1. Mr. Allison agreed that he believes it would be difficult to develop this lot under the CN regulations once setbacks, parking and stormwater controls were taken into account.

Mrs. Gunnet explained that no formal action needs to be taken this evening. They are requesting a favorable response for the rezoning before they submit their formal rezoning request. It was the consensus of the Board that they did not have an issue with rezoning the property to R-1.

- L. Expiration of Terms – Mrs. Gunnet advised that the Board has a copy of the Expiration of Terms. Both Mr. Moyer and Mr. Sechrist were reelected as Supervisors. Ms. Kerchner noted that Sue Smith had not run again for the auditor position and there were write-ins for the position. Mrs. Gunnet advised that she had reached out via email to the Elections Office about this but has not received a response yet. Ms. Kerchner noted that Carolyn Sedora was reelected to the School

Board so she can continue to sit on the Recreation Board if desired. Appointments will take place at the Reorganizational Meeting.

M. Shredding event – 8,050 pounds – Ms. Kerchner informed that 8,050 pounds of paper was shredded at the event. Mrs. Gunnet noted that there was only 5,980 pounds in 2022. An event will be held again in 2024.

N. Fee Schedule – Increase to Subdivision/Land Development plan submission fee – Mr. Allison advised that there are fees to submit a Subdivision or Land Development Plan and he is proposing to raise these rates for 2024. He stated that he contacted other municipalities to see what they charge and a table with this information has been provided to the Board.

Mr. Allison advised that for a residential subdivision, he is proposing a base fee of \$500 plus \$100 per lot. Mr. Moyer questioned if there would be a maximum fee. Mr. Allison stated that he had not planned for one but this is something the Board can choose to do. Mr. Moyer commented that he feels this fee is too high. Mr. Allison stated that he is not trying to keep developers from building in the Township but there is a lot of time spent by many departments to review plans.

Mr. Allison advised that for commercial subdivisions, he is proposing a flat rate of \$250 plus \$1.00 per square foot of building area. He stated that in the case of Aldi, the plan was revised numerous times so many hours of time had been spent reviewing it. Mr. Moyer questioned if the additional revisions were due to outside agencies. Mr. Allison stated that not all of them were but regardless, the plan still needed to be reviewed. Mr. Moyer commented that he feels this fee is too high. Discussion ensued regarding the current and proposed fees, what these fees cover and time spent reviewing plans.

Ms. Kerchner commented that she does not want to set a fee too high that discourages developers from coming into the Township. Attorney Rausch advised that the fee should have a rational basis and should correlate to the work involved on an average. Ms. Kerchner questioned if the Township can substantiate raising the fee. Mr. Allison stated that he feels that it can be. Ms. Kerchner questioned when this fee was last raised. Mr. Allison commented that he did not know but thought it was probably over 10 years ago. Mrs. Gunnet advised that a decision is not required this evening. The Fee Schedule is adopted at the Reorganizational Meeting but changes can be made at anytime throughout the year. The Board agreed that they would like to review the fee options. Attorney Rausch added that he will look into case law and guidelines for setting these fees.

13. Unfinished Business – There was none.

14. Public Comment – Jerry Gilbert, 885 Delta Road, questioned if he needs to schedule a time for leaf collection. Mr. Trout stated that he does not. Mrs. Gunnet advised that collections are not set for a specific time and the leaf trucks get through the entire Township at least once per week.

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

Mr. Moyer wished everyone a Happy Thanksgiving.

Ms. Kerchner asked Attorney Rausch if an Executive Session would be permitted to be held to discuss the salary for one employee. Attorney Rausch advised that this would be acceptable.

Ms. Kerchner wished everyone a Happy Thanksgiving.

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

17. The meeting of the Windsor Township Board of Supervisors adjourned into an Executive Session at 7:50 p.m. to discuss litigation regarding Windsor Solar.

Respectfully submitted,

Jennifer L. Gunnet
Secretary

CITIZENS PRESENT
November 20, 2023

Scott Gingrich
Bob Bracken
Layla Sabold
Nick Sabold
Lee Faircloth
Eric Riddle
Jerry & Kathy Gilbert
Don Landis

Alliance Fire & Rescue Services
SAFER
SAFER
SAFER
Gordon L. Brown & Associates
4165 Mt. Pisgah Road York PA
885 Delta Road Red Lion PA
3330 E. Prospect Road York PA