

WINDSOR TOWNSHIP BOARD OF SUPERVISORS

July 15, 2024

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, Christopher Kraft, P.E., Jennifer Gunnet, Jeremy Trout, Kipp Allison and Deanna Coble. See the attached list of citizens present.

2. The Pledge of Allegiance was recited.
3. On the motion of Kathy Kerchner seconded by Kim Moyer, the minutes of the June 17, 2024 meeting 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.
 - B. Mrs. Gunnet advised that she has received the Windsor Township 2023 Audit Report of the Financial Records from Kochenour, Earnest, Smyser & Burg. There were no findings. The Board has received a copy. There were no questions.
 - C. Mrs. Gunnet advised that she has received letters from Community Reach and the Kaltreider Benfer Library thanking the Township for the donations made to them.
 - D. Mrs. Gunnet advised that she has received a letter from Orrstown/PeoplesBank announcing that their official merger took place on July 1, 2024. She noted currently there no changes and if there would be, it would be completed by November 2024. She stated that she is unaware if the routing numbers will change which would result in the necessity for new checks.
 - E. Mrs. Gunnet advised that she has received a letter from Stacy and Wendell Williams from 600 Thomas Armor Drive, requesting a waiver of the late fee on their sewer bill. She stated that they purchased the property on April 19, 2024. The sewer bill for that quarter was handled by the settlement company. The current bill was issued on May 1st and was due June 30th. Their letter stated they did not receive the sewer bill and were unaware that there was a separate bill for sewer until they were speaking with neighbors. When they recognized that the bill was past due, they requested the waiver of the late fee. On the motion of Kathy Kerchner seconded by Kim Moyer, the Board waived the \$25 late fee for Stacy and Wendell Williams. Motion carried. Two votes yes.
5. Windsor Township Fire & Emergency Rescue Services Association – Joe Silar with Alliance Fire & Rescue was present.
 - A. Ms. Kerchner advised that the next Fire Chief’s meeting will be held on August 22, 2024 at 7:00 p.m. at the SAFER Station 13-3 (Yorkana).

Mr. Moyer questioned how the firefighters are doing that were injured enroute to the multi alarm fire in York City. Mr. Silar stated that he did not have an update. Mrs. Gunnet commented that the last she had heard, they were released from the hospital.

Ms. Kerchner questioned what occurs if the Laurel Fire Company tanker is to be dispatched now that it is out of service. Mr. Silar advised that a tanker from another company will be dispatched.

B. Simulator repair – There was no update.

C. 2024 – Scholarship Award – Owen Strouse was presented with his award and pictures were taken. Scott Henry accepted the award on behalf of his daughter, Mackenzie Henry, as she was not able to be present this evening.

6. York County Regional Police Department – Chief Damon was present.

A. Chief Damon reviewed the first half 2024 report. He stated that April and June had the most number of calls. The most frequent crime was fraud and the reason for most calls was for suspicious activity.

Chief Damon reported that the speed trailer has been placed on Husson Road and officers have been present in this location. He noted that there has been one citation issued for speeding and there has been one accident. He stated that most vehicles have been traveling within the tolerance level.

Chief Damon informed that due to the storm this afternoon, there was a tree down on East Prospect Road. He noted that it has been cleared and is now located on private property.

Mrs. Gunnet commented that there was a baby born in the Freysville Park parking lot. Chief Damon stated that the baby was born before the officer arrived.

Chief Damon advised that the recent house fire on Kendale Road is likely a total loss.

The monthly report is available for review.

B. Proposed Ordinance – Dissolution of York Area Regional Police Department – Mrs. Gunnet advised that Attorney Ruth had sent the Ordinance over for review and she has forwarded it to Attorney Dillinger. This is to dissolve the York Area Regional Police Department since all items have now been closed out.

7. Township Engineer:

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

- B. Community Center Update – Update, Temporary Construction Easement – Jamie Tolton, ProCore – Update, DCED Grant – One (1) year time extension requested & Old picnic tables – Mr. Kraft advised that a meeting was held with staff and the design team to review the final plans. He stated that the bid will go out in September or October. He noted that they are still working to finalize the PennDOT permit.

Mr. Allison advised that Jamie Tolton has signed the Temporary Construction Easement Agreement. It will need to be signed by the Board.

Mr. Kraft advised that the construction management company will purchase the ProCore program once the project is bid. It was noted that the price is based on the cost of construction. An addendum will then be required.

Mrs. Gunnet advised that she had requested a one year extension to spend the funds awarded with the DCED Grant. She stated that she has signed paperwork and the new deadline is June 2026.

Mrs. Gunnet advised that there were picnic tables that were left from the swimming pool and she has been trying to get rid of them. She stated that there are still 15 left. They have plywood tops and are free. She commented that if anyone is interested call the Township to arrange pickup.

8. Solicitor:

- A. Attorney Dillinger advised that the Folkerts Settlement Agreement is to be signed tomorrow. Once this occurs, the two appeals that were filed will be withdrawn.

9. Public Works:

- A. Ms. Kerchner advised that the Board has received the monthly report for July. There were no questions.

Mr. Trout reported that the contractor is working on the roof at the Public Works Building today. He stated that there may be an additional seal installed that would need to be paid for. Otherwise, there is no cost to the Township.

Ms. Kerchner questioned the status of the tennis court project. Mr. Trout stated that all of the surface has been removed. They are leveling the area and are planning to pave this week.

10. 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's Report for June. There were no questions
- D. Recreation Commission – Update – Ms. Kerchner advised that she attended the July meeting. She stated that there were plans to use the Conrads baseball fields but they will need to be shared with a travel team.
- E. Ms. Kerchner advised that there will not be a Board Meeting on August 5, 2024.
- F. Ms. Kerchner advised that the Township will be holding a Shredding Event on Thursday, October 10, 2024 from 3:00 p.m. to 6:00 p.m. at the Township office.
- G. Ms. Kerchner advised that the Township will be holding an Electronics Recycling Event on Saturday, October 19, 2024 from 9:00 a.m. to 12:00 p.m. at the Public Works Building, 970 White Oak Road, Windsor. A Boy Scout Troop will be present to assist.
- H. Ms. Kerchner advised that the 2024 Map & Directory has been mailed. She stated that there is a lot of information in it and thanked the sponsors.
- I. Vacancy Board Chairman – Position open – Ms. Kerchner advised that with the passing of Paul Smith, the Vacancy Board Chairman position is open. Mrs. Gunnet explained that this person is responsible for appointing someone to fill a vacated position of an elected official if the Board is unable to come to a decision within the specified timeframe. There is no compensation for this position. She asked the Board to let her know if they have any suggestions for someone to fill this role. Attorney Dillinger stated that someone should be appointed to this position at the next Board meeting.
- J. Stormwater Maintenance & Operation Agreement – Calvin & Nikki Keeney – 1590 Felton Road – New home construction – Mr. Allison advised that the Board has already approved an agreement for Mr. and Mrs. Keeney for the construction of a barn. They are now building a house on the property and a new agreement is required. On the motion of Kathy Kerchner seconded by Kim Moyer, the Board approved the Stormwater Maintenance and Operation Agreement for Calvin and Nikki Keeney at 1590 Felton Road. Motion carried. Two votes yes.
- K. Met-Ed – Lombard Road – Moving of traffic signal power supply line – Mrs. Gunnet advised that she had received an invoice from Met-Ed for approximately \$3,000 that she did not know what it was for. She stated that she was then contacted by a Met-Ed subcontractor and was informed that the Township has a traffic signal power supply cable on three different poles that needs to be moved. It was discovered because Shentel Communications applied for a permit to install a line for GloFiber on these

poles. She stated that she reached out to the Township's Met-Ed liaison and he informed that this was the Township's responsibility. She commented that if these lines are the Township's, they would have been installed many years ago with a permit as the traffic signal at the intersection of Cape Horn Road and Lombard Road that it runs to has been there for quite some time. She noted that Verizon must also move their lines and the Township cannot do anything until they do so. The Township would need to hire a contractor to do this work.

Mrs. Gunnet advised that she reached out to Shentel Communications to request assistance with this cost since the change is necessary due to their request. She added that the invoice she received was for the design work for only one pole. The cost will be approximately \$10,000. She stated that she has not heard back from them. She stated that she has also reached out to Representative Fink and Senator Phillips-Hill but has not heard back.

Mr. Trout stated that he was not aware of this line. There was discussion regarding the cables. Mr. Kraft commented that it should have been in Shentel's work order for them to relocate these lines.

It was the consensus of the Board to wait to hear back from Shentel Communications.

- L. Mrs. Gunnet advised that five of the six portable radios have been returned. She stated that she took them to the 911 Center and all are in good working condition. Ms. Kerchner questioned if the Township is purchasing any additional radios. Mrs. Gunnet advised that we are not.
- M. Ordinance #2024-07-01 – Windsor Township Solar Ordinance – This Ordinance was discussed in conjunction with Ordinance #2024-07-02.
- N. Ordinance #2024-07-02 – Amendment to Windsor Township Zoning Ordinance regarding Definitions, Alternative Energy Sources, Accessory Solar Energy Systems, Principal Solar Energy Systems and Roadside Stands – Mr. Allison opened the Public Hearing. He stated that this amendment addresses accessory and principal solar systems and sets a minimum lot size for roadside stands. He stated that the Solar Ordinance is specific to solar regulations.

The Solar Ordinance creates an Overlay District where Principal Solar Energy Systems are permitted. He showed a map of this area. A Special Exception is required for this use. Attorney Dillinger added that by making this a Special Exception use, the Zoning Hearing Board may attach conditions to the approval. Mr. Allison stated that once approved, a Land Development Plan would then be required. Mr. Allison asked if there were any questions.

Martha Diezemann with ECA Solar commented that Penn State University recently completed a study and found that only 5% of municipalities have an ordinance to address solar. She stated that as a developer, it is easier to work with a municipality

when there are regulations in place and she looks forward to working with the Township. She advised that she had reviewed the draft ordinance and felt that it was straightforward. She stated that she does have one suggestion for a change. She stated that it was unclear if the 30% development area for Class I or Class II prime agricultural soils refers to the entire lot or the area in which the system would be located. Attorney Dillinger stated that he has seen it addressed both ways so it would be up to the Township to decide.

Christine Emma, 20 Patterson Avenue, questioned if the Zoning Hearing Board could take in account neighboring parcels when making decisions on this type of use. Attorney Dillinger commented that the Zoning Hearing Board could require additional conditions. Screening would be required for adjoining properties. Mr. Allison noted that the Federal Government regulations would be required to be met. Ms. Emma commented that land values are important to owners. Attorney Dillinger noted that since this use requires a Special Exception, adjoining property owners would be notified.

There were no additional comments and the Public Hearing was closed.

Attorney Dillinger stated that comment provided by Ms. Diezemann could be quantified better. Mr. Allison stated that if it was tied to lot area, it would be based off a specific figure. Attorney Dillinger commented that at this point it would be open to the Zoning Hearing Board's interpretation and he recommended making a change. After discussion, it was decided to change the wording to clarify that the development area would be based off the total lot size.

On the motion of Kathy Kerchner seconded by Kim Moyer, the Board approved Ordinance #2024-07-01 with the change to Section 14 as discussed. Motion carried. Two votes yes.

On the motion of Kathy Kerchner seconded by Kim Moyer, the Board approved Ordinance #2024-07-02. Motion carried. Two votes yes.

- O. Comcast Franchise Fee Audit – 2025 – Mrs. Gunnet advised that the current Franchise Agreement went into effect in 2020 and is valid for 10 years. She stated that an audit may be performed after 5 years to ensure that the franchise fee is being charged to all Comcast customers. She stated that the last audit was done in 2015. The cost was \$4,000 but approximately \$112,000 was found to be owed to the Township. She stated that she would not anticipate recovering that amount of funds again but questioned if the Board would be interested in having another audit done in 2025. It would be a joint municipal audit and the cost would vary based on the number of municipalities participating. Cohen Law Group would be the firm completing the audit. They were used in the past. It was the consensus of the Board to budget for an audit in 2025.

- P. Mr. Allison advised that the Board has received a copy of the 2024 Building Permit Summary from January 1 through June 30. He commented that the number of permits issued is similar to this same timeframe in 2023 but there are less new homes being built. He stated that this is due to most of the developments being built out. He added that the monetary value is higher.

11. Unfinished Business:

- A. Resolution #2024R-07-01 – Amendment to Fee Schedule – Increase to Subdivision/Land Development plan submission fee – Mrs. Gunnet advised that a Resolution has been prepared based on the figures discussed at the previous Board meeting. These figures were for Subdivision Plans with 4 or less lots, a \$200 base fee plus \$10 per lot, for Subdivision Plans with more than 4 lots, a base fee of \$500 plus \$40 per lot and for Land Developments Plans, a base fee of \$500 plus \$40 per lot/unit.

Ms. Kerchner questioned how we let people know of this change. Mrs. Gunnet stated that these fees are charged when a subdivision or land development plan is submitted. Mr. Allison commented that most do not ask for these fees. Mrs. Gunnet stated that the Fee Schedule could be posted on the Township's website. On the motion of Kathy Kerchner seconded by Kim Moyer, the Board approved Resolution #2024R-07-01. Motion carried. Two votes yes.

12. Public Comment – Derek Eveler, 38 Pleasant View Street, stated that his street was originally called East Elm Lane. His family originally owned the four houses off this lane. They have now all been sold except for his property. He stated that he had attended a Red Lion Borough meeting because they were going to abandon the lane. He questioned who the land would go to as this is the access to his property. Mr. Allison pulled up the York County Property Viewer map to look at the property.

Attorney Dillinger stated that in most cases of abandonment, the land is split down the center with each property receiving the portion abutting their property. He recommended that he stay in contact with Red Lion Borough and suggested contacting a land use attorney. Mr. Allison stated that the school district had some planning done in that area and he may have a plan that he could send him showing the roadway.

Mr. Eveler stated that he had been placing his trash and recycling totes at the property that Red Lion Borough purchased for their office. He questioned if he needs an agreement to continue to put the totes there. Mrs. Gunnet stated that she does not feel an agreement is necessary. She commented that if the Borough has an issue with the placement, maybe he could place them at the other corner at the end of the lane.

13. Supervisors Comments – Ms. Kerchner asked Mr. Moyer if he had any comments.

Mr. Moyer commented that he is praying for Rodney and Stephany Sechrist.

Ms. Kerchner commented that she received a letter regarding York's 250 year celebration. Mrs. Gunnet stated that the letter is informative only. Ms. Kerchner gave the letter to Mr. Moyer so he could review it as well.

Ms. Kerchner expressed her prayers to Mr. Sechrist as well.

Ms. Kerchner thanked staff for their work on the Fee Schedule and Solar Ordinance.

14. On the motion of Kathy Kerchner seconded by Kim Moyer, the bills were approved. Motion carried. Two votes yes.
15. The meeting of the Windsor Township Board of Supervisors adjourned at 7:24 p.m.

Respectfully submitted,

Jennifer L. Gunnet
Secretary

CITIZENS PRESENT

July 15, 2024

Barry Snyder
Tim Damon
Derek Eveler
Jerry Gilbert
Christine Emma
Dennis Klinedinst
Gary LaTulippe
Seth Davidson
Krista Williams
Eric Riddle
Martha Diezemann
Joe Silar
Scott Henry

Lower Windsor Township
York County Regional Police Dept.
38 Pleasant View St Red Lion PA
885 Delta Road Red Lion, PA
20 Patterson Avenue Windsor PA
Red Lion Municipal Authority
330 W. Broadway Red Lion PA
225 Manor Road Red Lion PA
4165 Mt. Pisgah Road York PA
4165 Mt. Pisgah Road York PA
ECA Solar
Alliance Fire & Rescue
SAFER