

WINDSOR BOROUGH COUNCIL
MINUTES OF MEETING
February 7, 2022
6:00 PM

The regular monthly meeting of the Windsor Borough Council was called to order on Monday February 7, 2022 by Matthew Dietz, Council President, at the Borough Municipal Building, 2 East Main St, Windsor PA. Attendance was as follows:

Matthew Dietz, President
Ron Deckman (absent)
Brenda Kramer
Rich Mitzel
Penny Dzubinski

Larry R. Markel, Mayor
Donna Martin, Secretary-Treasurer
Stephen W. Carr, Maint-Supervisor (absent)
Doug Myers, MPL Law Firm
Robert Huska, Codes Enforcement Officer
John Runge, Gordon L. Brown Jr. & Assoc-Engineer

Minutes from the January 3, 2022 Council meeting was unanimously approved on a motion from Brenda Kramer and second from Penny Dzubinski.

Citizens & Inquiries:

- Lt. Spingler attended the meeting to provide information on types of calls the police responded to in 2021. Calls involved domestic disputes, harassment, thefts, DUI, accidents, welfare checks and traffic stops. Lt. Spingler stated that although his office is typically understaffed, he tries to have officers patrol the area when they are not busy responding to calls. The following questions were asked:
 - ❖ How is speeding monitored? Lt. Spingler stated that when problems of any type are brought to their attention, it is logged into a system that can track & monitor the issue so they can see if there is a pattern. For example, when people call in to complain about speeding, the police ask residents what are the heaviest/busiest times when speeding occurs. The police will then patrol the area during that time.
 - ❖ Are the radar speed limit signs helpful? Council members have been discussing getting a few of these signs in hopes that it would slow down traffic on main roads. Ltr. Spingler feels that anytime you can bring attention to how fast people are driving, it is beneficial.
 - ❖ Resident James Cochran asked Lt. Spingler about what can be done about dirt bikes and ATV's that speed up and down public roads. He stated this is a problem because children are playing in back alleys and dirt bikes are speeding down the alley. Other Council members agreed that there is a problem with ATV's and dirt bikes in the Borough. James stated that he called the police to report the problem but was told that the police can't do anything about it because the Borough won't do anything. Lt. Spingler stated that the police dept cannot enforce Borough Ordinances and although he wasn't aware of problems with dirt bikes and ATV's, he and his officers will be on the lookout for this.

- Patti Fisher from James R. Holley & Associates attended the meeting to review the Raver Subdivision Plan. Mr. Raver wants to subdivide a portion of the 10 acre plot that he owns. Mr. Raver's property is both in the Township and the Borough. Mr. Raver wants to subdivide in order to have the option of building a house on a plot of land and possibly sell it in the future. A large portion of his land will be left for agricultural purposes. Patti needs to obtain approval from Council for 3 waivers: lot depth, contours and final scale plan. John reviewed the waivers and feels they are appropriate. John stated there were no concerns from the York Co Planning Commission or Windsor Township. *On a motion from Brenda Kramer and second from Penny Dzubinski, Council members unanimously approved signing the Planning Waiver & Non Building Declaration form and conditionally approved the Subdivision plan with waivers set forth by the letter from Gordon Browns office.*

Codes Enforcement Officer: Bob reported the following:

- ✓ Many residents that live on Main St have not been complying with snow removal. Bob had many complaints that sidewalks were not shoveled and residents who are pushing strollers had to go into the street because a portion of the sidewalk was not shoveled. Bob mailed letters to residents reminding them of the Ordinance and also cited several property owners. Bob will follow through to see if they pay the citations.
- ✓ Bob asked Council members for clarification on fees for a Zoning Hearing. Recently there was a Zoning Hearing for 73 W First Ave. The new owner (Bonkey's Ice Cream) paid the application fee of \$450 for a Zoning Hearing. After the hearing, Donna received invoices for the stenographer, advertising costs and also the legal fees (from Gavin Markey). At the January 2022 meeting, Donna asked Council members if the Borough was responsible for paying those costs or if Bonkey's Ice Cream would be financially responsible. Total costs were approximately \$1,400. Council members stated that the Borough should not pay the associated fees and instructed Donna to send a bill to Bonkey's Ice Cream for all associated costs and inform Gavin Markey that he should send a bill directly to Bonkey's Ice Cream for the legal fees. Donna sent letters to Mr. Markey and to Bonkje's Ice Cream. Donna stated that she received a check from Bonkey's for reimbursement of the stenographer and advertising costs. Mr. Markey reached out to Bob about the letter that Council members want him to bill Bonkey's Ice Cream for the legal fees. Mr. Markey feels the Borough should pay the legal fees since he was representing the Borough. The following was discussed:
 - ❖ Bob stated that he wasn't aware people would be required to pay additional costs so he doesn't inform them about this.
 - ❖ The Zoning Hearing application doesn't state that additional fees would be the responsibility of the applicant.
 - ❖ The Fee Schedule clearly states that additional fees are the responsibility of the applicant.
 - ❖ Donna stated that she could update the Zoning Hearing Application and add that additional fees incurred would be the responsibility of the applicant.
 - ❖ Will businesses be discouraged from setting up in the Borough if they have to pay additional expenses?
 - ❖ Doug stated that other Municipalities don't bill the associated costs to the applicant.
 - ❖ Council members asked Doug if the application fee could be increased so the additional expenses would be covered. Doug will look into this and report back to Council members at the next meeting.
 - ❖ *On a motion from Rich Mitzel and second from Brenda Kramer, Council members unanimously approved reimbursing Bonkey's Ice Cream for the advertising and stenographer fees they paid as well as paying the legal fees to Gavin Markey.*
- ✓ Bob discussed a problem that he recently encountered regarding an Ordinance for sidewalk repairs. Bob stated that the topic of sidewalk repairs was not added to the Property Maintenance Ordinance that was revised a few years ago. The only Ordinance for sidewalk repairs was created in 1917 and seems to be outdated. Bob suggested that the Property Maintenance Ordinance be revised to include sidewalk repairs. Matt stated that since an updated Ordinance will need to be advertised, any other topics that were not included should be added. Doug will work on this.
- ✓ Brenda Kramer asked Bob about the house at 76 N Penn St. She remembers discussion a few months ago that the house was a rental unit and had a severe mold problem that resulted in a failed inspection. Brenda noticed that someone had moved into the house and questioned if the mold problem had been resolved. Bob stated that the house was recently sold and was privately owned (not being used as a rental unit). Donna explained that the person who bought the house was allowing their son and his family to live in the house. Council members then questioned if this house should be considered a rental unit. The following was discussed:
 - ❖ If immediate family members live in the house then it shouldn't be considered a rental unit.
 - ❖ How can it be verified that immediate family members live there? A landlord could have a family living there and claim it was family members.
 - ❖ Are they paying rent?
 - ❖ There is a house on High St that was recently purchased for the owner's daughter to live in. The owner contacted the Borough to find out if this would be considered a rental unit so he registered it and paid the rental inspect fee.

- ❖ There are a few people in the Borough that own 2 houses and has family members living in 1 house but it's not considered a rental unit.
- ❖ Council members asked Bob to check with the owner of 76 N Penn St to find out if the son pays rent so they can determine if the house should be considered a rental unit.

Mayor: Nothing to report

EMA: Nothing to report

Engineer:

- John reported the following:
 - ✓ The Water St project will be advertised with the bid opening to occur on March 3rd. A letter will need to be sent to residents on Water St to inform them that a public meeting will take place prior to the March Council meeting. The public meeting will be on March 7th at 5:30 and John will review the Water St project with residents and answer any questions. John stated that road repairs will not be included with this project but he will submit a grant application in the spring to seek funding to pave the road.
 - ✓ John continues to follow up with Mr. Barclay to ensure the work is completed for the existing erosion control basin improvements.
 - ✓ Walnut Creek Development – John reported that the Borough is currently waiting for the Surety Bond and Escrow check from Rob Barclay. Construction has begun. Council members asked how invoices for the Walnut Creek development will be paid. John stated that the Borough will receive an escrow check from Mr. Barclay in the amount of \$7,500. Invoices will be paid from the escrow account. When the escrow account gets to be around \$4,500, Donna will need to reach out to Mr. Barclay and request additional funds. Donna stated she will need to review how escrow funds and paid invoices should be reported on the annual audit.
 - ✓ John provided a cost sheet to Council members for the design/realignment project at Penn St/Main St. The estimated cost for Transportation Resource Group is \$23,500. The estimated engineering costs would be \$18,000. John reminded Council members that a title search would need to be completed before moving forward with this project. The title search will cost roughly \$2,500.

Solicitor: Doug reported the following

- ✓ Doug informed Council members that he reviewed the Traffic Signal Maintenance Agreement from PennDot that needs to be signed. The agreement clarifies what repair work the Borough would be responsible for to maintain the traffic signal. Donna stated that she and Steve also reviewed the agreement and the work specifications that PennDot listed is what the Borough has been doing for quite some time. The agreement also asks for contact information of the person who will be doing repairs. Donna will list Milt Sultzbaugh and Steve Carr as the contact people. *On a motion from Brenda Kramer and second from Penny Dzubinski, Council members unanimously approved signing the agreement.*
- ✓ Doug presented Ordinance #2-2022 to allow a pay increase for Water and Sewer Authority members. The pay increase will now be \$40 a month. *On a motion from Rich Mitzel and second from Brenda Kramer, Council members unanimously approved the Ordinance.*
- ✓ Doug provided a copy of the garbage bid document to Council members to review. He stated the bid document contains the same information as the bid contract from 5 years ago. Basically, the Borough is requesting bids for trash removal two times a week and to include recycle materials be picked up 1 time a week and 1 large item pickup per week. Doug stated the bid document will be advertised and bids will be opened on Friday March 4th at 11:00 am. Doug stated Council members were welcomed to attend the bid opening. *On a motion from Penny Dzubinski and second from Rich Mitzel, Council members unanimously approved Resolution #6-2022 to approve the bid document to be advertised.*
- ✓ Doug reviewed the topic of form of egress for rental properties that was discussed in previous Council meetings. Doug stated that the Borough cannot be held liable if a fire in a rental unit would occur and injuries or fatalities occurred. Although the Borough Ordinance states rental units must have at least 2 forms of egress, if a property

owner does not or cannot comply, the Borough would not be held legally liable for injuries or fatalities at a rental unit. The Borough cannot be held liable for privately owned properties it does not control.

- ✓ Doug reviewed parking rules for cars parked in yellow lined areas close to an intersection. State law prohibits people from parking in yellow lined areas within 30 ft of an intersection or within 20 ft of a crosswalk. Doug advised measuring the yellow line to ensure they are correct and also to make sure the yellow lines are clearly visible (not faded). If a yellow line is shorter than 30 ft and a car is parked there, the owner can be cited. Also, if the line is longer than 30 ft, there needs to be a posted sign and a Borough Ordinance stating that is a no parking zone so it can be enforced.

Council Members:

- Matt informed Council members that someone who lives on E High St owns a mobile food service truck (like Bricker's). The owner will occasionally park the truck on the street but no one has complained about this yet. Matt questioned if the owner should be required to obtain a permit from the Borough for the food service truck. Discussion involved what type of permit would be required if the owner would set up the truck at the ball field or at an event in the Borough. Would the Soliciting Ordinance cover a mobile food service truck. Matt asked Donna to reach out to Doug about this topic to be discussed at next month's meeting.
- Council members reviewed the Bridge Inspection list. Donna clarified that when it is time for a bridge inspection to be completed, HRG or CS Davidson will send her an email or call her directly to inform her of when the inspection will occur. The company then meets with Steve and Donna to review the bridge inspection report to point out if any repairs are required. There are 2 bridges that the County inspects (Myers Ave & W Gay St @ Heindel Ave) and 4 bridges that is inspected by HRG or CS Davidson. The bridges are on an odd year or 5 year inspection cycle.
- Council members reviewed the ARPA funds project list. To date, the Borough received \$77,716 and spent \$71,853 on digital water meters, fire hydrant repairs, storm box repairs/cleanout and work in the ballfield. Donna stated the Borough will receive an additional \$77,716 in the spring. \$20,000 will need to go to payroll and the balance of \$63,579 can be spent how Council decides. Funds must be obligated by 12/31/24 and spent by 12/31/26. Donna will need to complete annual reports on how the funds were spent. Council members are considering the following projects: bridge repairs, paving projects, park improvements, radar speed signs, fix bathrooms in the basement and roof replacement of the Borough building.

Secretary-Treasurer:

- Donna stated the fire dept emailed her to request permission to use the Borough parking lot to have a chicken bbq for various dates during the spring and summer months. They will need to use a cooker/smoker to cook the chicken. Council members agreed to this providing that the cooker does not drop hot ashes on the blacktop of the parking lot and that all trash is removed at the end of the day.
- Donna stated that Steve wanted to obtain permission to make repairs for the N Camp St/W Gay St bridge and on the W Gay St (at Heindel Ave) bridge. Work will be done by Keith Pennell and the cost will be under \$20,000. Donna stated that bridge repairs were budgeted for \$40,000 in this year's budget. *On a motion from Brenda Kramer and second from Penny Dzubinski, Council members unanimously approved the bridge repairs.*

Maintenance: Nothing to report

Bills: General Fund & Liquid Fuels

On a motion from Brenda Kramer and second from Rich Mitzel, Council members unanimously agreed to pay the current invoices.

On a motion from Rich Mitzel and second from Penny Dzubinski, Council members unanimously agreed to adjourn the meeting at 9:10 pm.

Respectfully Submitted
Secretary-Treasurer