

WINDSOR BOROUGH COUNCIL
MINUTES OF MEETING
May 1, 2023
6:00 PM

The regular monthly meeting of the Windsor Borough Council was called to order on Monday May 1, 2023 by Matthew Dietz, Council President, at the Borough Municipal Building, 2 East Main St, Windsor PA. Attendance was as follows:

Matthew Dietz, President
Brenda Kramer
Rich Mitzel
Penny Dzubinski
Melissa Raver

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

Minutes from the April 3, 2023 meeting were unanimously approved on a motion from Penny Dzubinski and second from Brenda Kramer.

Citizens & Inquiries:

- ✓ Dave Rittenhouse and Ed Souders from the Laurel Fire Dept attended the meeting to provide an update.
 - ♣ During the month of April, the fire dept responded to 60 calls; 7 were in the Borough.
 - ♣ Quotes will be obtained in the next few weeks to install 2 bay doors at the rear of the building.
 - ♣ Dave inquired if the Borough has any stationary stop signs they could use when the traffic light loses power. The fire dept does not have a portable generator and is not sure how to hook up the generator to the light. Matt is unsure if the Borough has any stationary stop signs but feels that is dangerous to use. Matt suggested that Dave speak with Steve about this.
 - ♣ Ed Souders mentioned that the intersection at N Blacksmith Ave and E Main St often is the sight of accidents. He suggested the Borough put up a “look left, right, left” sign as this may help to prevent accidents.
- ✓ James Cochran (7 Heindel Ave) informed Council members that he spent some time cleaning up the area at the Memorial. He dug up old flowers, put down fresh mulch and mowed. James expressed concern because the Memorial is in disrepair. The Memorial is falling apart and the plaque with veteran names is faded. Matt explained that Council members have been discussing what can be done to fix up the Memorial and are looking into several options.
 - ♣ James also expressed concern about parking problems on High St during baseball season. James stated that people park along High St to watch a game and it creates a hazard for other drivers and pedestrians. If High St will be narrowed as planned, the parking situation will become worse. Matt explained that Council members are aware of the problem and will be discussing possible solutions.
- ✓ Sherry Grafton (43 Water St) attended the meeting to ask for advice regarding a problem she is having with a neighbor. Sherry explained that a new tenant moved into a house close to her and the neighbor has been harassing her and her husband on a daily basis. Sherry stated that the problem escalated to the point where she had to call the police. The police issued a citation to her and the neighbor. Sherry explained that she had to file legal documents against her neighbor. The neighbor is also piling branches and other yard debris along her fence line which impedes her from cleaning things up as well as possibly damaging the fence. Bob stated that he spoke with Southern Management and they told him the tenant would clean up the debris. Bob stated that the tenant added more to the pile of debris so he will be calling Southern Management again. Bob will also inform them about the harassment problems.

- ✓ Brian & Sara Nash (137 W Main St) attended the meeting to discuss a problem they are having on their property with flooding. Mrs. Nash stated that when it rains hard, water runs down the hill and washes things out on their property. Matt explained that Council members are aware of flooding problems in that area and have it on the agenda tonight to discuss what can be done. Donna will send a letter after the meeting to inform them about what Council members decided to do.
- ✓ Adam Anderson, Rob and John Barclay attended the meeting to provide an update on Phase III of the Walnut Creek Development. The following was discussed:
 - ♣ Phase I and Phase II (infrastructure) is completed.
 - ♣ Phase III final subdivision plan was received and being reviewed by John Runge, the York Co. Planning Commission and the York Co Conservation District. Comments were made regarding revisions to the Developers Agreement, the Stormwater Management plan and the HOP. John is working with Adam to make required revisions.
 - ♣ PennDot is reviewing the Highway Occupancy Permit (HOP). Once the HOP is approved, the entrance way to the development will be finished.
 - ♣ There will be 26 houses to be built for Phase III.
 - ♣ *On a motion from Penny Dzubinski and second from Rich Mitzel, Council members unanimously gave conditional approval for Phase III providing all required revisions are made.*

Codes Enforcement Officer:

- ✓ Bob stated that a Summary Trial was held on 4-17-23 for a parking citation the Plaintiff disputed. The Plaintiff failed to appear and was found guilty.
 - ♣ Bob issued 2 permits in April.
 - ♣ Bob investigated a vehicle parked illegally. Tags were run through PennDot and it was discovered the tag was not issued to any vehicle. Bob called State Police about this. They determined the car was not stolen but have not provided further assistance. Bob continues to see the car in the Borough.
 - ♣ Owner of 5 W Main St was cited for property neglect in March. The owner filed an appeal through the Court of Common Pleas rather than through the District Magistrates Office. Bob is awaiting further information.
 - ♣ The owner of 163 W First Ave (Cory Fregm) has hired legal assistance for the purpose of subdividing the property. Bob discussed the situation with Andy Miller and it was determined that a Zoning Hearing is required. Bob will continue to follow up on this.
 - ♣ Bob requested that Council provide clarification on what is considered a rental property. There are several houses in the Borough that are not owner occupied, rather family members are living in the house. Some of the homeowners were granted a waiver from having to register the property as a rental unit. Within the last 2 years, several more homes are now occupied by family members, not the homeowner. Bob wanted clarification from Council members on if these houses should be registered as rental units. Council members agreed that they will not grant waivers to anyone else so these houses should be considered rental units. Bob will reach out to the owners to inform them the houses need to be registered as such.

Mayor: Nothing to report

EMA: Nothing to report

Engineer:

- ✓ John stated that Keystone submitted 2 more building permit applications. As was discussed at the last meeting, since the Barclays state that Keystone does not have ownership of the property yet, Andy advised that Donna return the applications to Keystone as “Administratively Incorrect”.
 - ♣ John and Andy discussed the 2 previous permits that were issued to Keystone prior to the Borough being informed that Keystone does not have ownership of the land. Andy advised Mr. Barclay to contact his attorney for advice and also suggested that his attorney request the Borough to rescind the approved permits.

- ♣ It was noted that Barclays provided payment for the escrow fund account. The account is caught up to date at this time.
 - ♣ Mr. Barclay explained there was a lapse of putting money in the escrow fund account because Keystone has not purchased lots yet. This created a financial burden for the Barclays.
 - ♣ An email was received from the project manager at York Excavating. The company stated that they have not been onsite since Dec 2022 due to not receiving payment for work done. They also stated they are requesting to be released as Co-Permitties for the project. Andy stated that since work has been done and inspections have not been completed, they cannot be released as Co-Permitties. Andy also stated that the York Co Conservation District would need to make this determination since York Excavating has a bond for the project.
 - ♣ John discussed the possibility that homeowners would want to add decks or patios in the backyard which would go over the setback lines. John asked Council if they would allow this. Andy stated that if Council amended the Ordinance, it would apply to all houses in the Borough. It was determined that Keystone would need to decide what lots would need a variance for a deck or patio and request a Zoning Hearing.
 - ♣ Council members were concerned that the project would come to a complete stop and the property would become overgrown and unkept. Andy stated that if this would happen, the Borough could place a Municipal Lien on the property or the Borough could use the bond money to pay for upkeep and maintenance costs.
- ✓ John informed Council members that in order to proceed with applying for a DEP permit to repair walls along Fishing Creek, an environmental study of the properties has to be conducted. The environmental studies would be done for properties along Heindel and Herman Ave. The cost for the study is \$1,050. DEP requires the study to be done just one time. *On a motion from Rich Mitzel and second from Melissas Raver, Council members unanimously approved of conducting the environmental study.*
 - ✓ John stated that he will be submitting a low volume road grant application for Water St and High St in May.
 - ✓ John stated that there are some DCNR grants available for the creation of walking trails. Council members discussed creating a walking trail to connect the new development to the park.

Solicitor:

- ✓ Andy stated that there has been a delay with getting properties appraised for the Penn St/Main St intersection project due to not being able to speak with the appraiser. Andy spoke with the appraiser today and was told that a sketch plan was needed to determine the amount of property to be appraised. John stated that he has a sketch plan and will forward it to Andy.
- ✓ Andy stated that he is researching ways in which the Borough can collect payment from pet owners when the Animal Control Officer is called to the Borough. Andy is reviewing the contract from the Animal Control Officer and the Borough Ordinance concerning pets. Larry also emphasized that Council members would like to know if they can legally require tenants to provide proof of vaccines and proof of licensing to the Borough as part of the rental requirements.

Council Members:

- ✓ Council members discussed how to fix the problem of water runoff at the Memorial. Two ideas were provided by Keith Pennell. The following was discussed:
 - ♣ The first proposal was to place large rocks, fabric and fill dirt in specific areas to capture water runoff. The cost of the project would be \$6,800. Council members feel that this may not be completely effective
 - ♣ The second proposal would be to build a retaining wall which would force water to go into storm drains. The cost of the project is \$11,200.

- ♣ Council members considered placing a rolled curb along the edge of the road but it was determined that the water would eventually collect somewhere and puddle.
 - ♣ It was noted that the water runoff has deteriorated the road down to the base.
 - ♣ Council members felt that the second proposal would be far more effective in eliminating water runoff and would also look appealing.
 - ♣ *On a motion from Rich Mitzel and second from Penny Dzubinski, Council members unanimously approved to have a retaining wall built (in granite color) at a cost of \$11,200. Funds will come from the ARPA account.*
- ✓ Council members discussed placing a digital sign at the office. Donna obtained a new quote from Alpine Signs located in Dallastown. The sign would be 3 ft x 2 with a cost of \$9,800 which is about \$10,000 less than the previous quote obtained. Donna will speak with the company to ensure that the sign is dimmable (for nighttime safety), that multiple messages can be displayed, messages will run in a repeat manner, graphics (pictures) can be changed and the software is easy to use. Council members would also like the sidewalk to be removed and grassed over. Keith Pennell provided an estimate for this to be done with a cost of \$3,800. Pending that all questions about the sign are agreeable, *on a motion from Penny Dzubinski and second from Melissa Raver, Council members unanimously approved purchasing a digital sign from Alpine Signs and have the sidewalk removed with a cost of up to \$15,000. Cost of project will be taken out of General Funds. Council members also requested that Keith Pennell remove the sign from the side of the building.*
 - ✓ Council members discussed the parking problem on High St during ball season. Council members agreed that cars parking along the street can be a safety hazard to other drivers and pedestrians but they are unsure of how to solve the problem. Council members agreed to give it further thought and will discuss this at the next Council meeting.
 - ✓ Council members briefly discussed office hours. Currently, Donna works overtime each month without getting compensated for it. The overtime hours are a result of working late on the Monday nights for a Council and Authority meeting. Donna stated that she would prefer to close the office each Friday which would eliminate unpaid overtime hours. Donna explained that typically Fridays are very quiet and Mondays are the busiest day of the week. Council members will consider this and discuss it at another time.

Secretary-Treasurer:

- ✓ Donna made a request on behalf of Mr. Jensen at 40 E High St. Mr. Jensen would like to use the Borough parking lot on Saturday June 10th for the Community Yard Sale. Mr. Jensen stated that he doesn't get much foot traffic where he lives. Council members stated that he could use the parking lot at the Borough office, the parking lot at the baseball field or contact the Lions Club for use of their facility.

Maintenance: Nothing to report

On a motion from Melissa Raver and second from Penny Dzubinski, Council members unanimously approved payment of the current invoices.

On a motion from Penny Dzubinski and second from Brenda Kramer, Council members unanimously adjourned the meeting at 8:42 pm.

Respectfully Submitted

*Donna Martin
Secretary-Treasurer*