

**WINDSOR BOROUGH COUNCIL  
MINUTES OF MEETING  
March 4, 2024  
6:00 PM**

**The regular monthly meeting of the Windsor Borough Council was called to order on Monday March 4, 2024** by Matt Dietz, Council President, at the Borough Municipal Office, 2 East Main St, Windsor PA. Attendance was as follows:

Matt Dietz, President	Larry R. Markel, Mayor
Brenda Kramer, Vice President	Donna Martin, Secretary-
Treasurer	
Penny Dzubinski	Steve Carr, Maintenance
Supervisor	
Rich Mitzel	Dean Reynosa, Solicitor (MPL
Law Firm)	
Sabrina Bowman	Bob Huska, Codes Enforcement
Officer	
	John Runge, Engineer (Gordon
	Brown Associates)

*Minutes from the February 5, 2024 meeting was unanimously approved on a motion from Brenda Kramer and second from Rich Mitzel.*

**Citizens & Inquiries:**

- Dave Rittenhouse provided an update on Fire Dept news.
  - The fire dept responded to 35 calls in the month of February.
  - Firefighter 1 testing has been scheduled for Sept. HazMat Operations refresher course is scheduled for April.
  - Fund raising events have been scheduled. There will be a ham supper on April 13<sup>th</sup> and a Cornhole Tournament on April 20<sup>th</sup>. The fire depart is planning several chicken bbq's during the spring and summer and requested to use the Borough parking lot again. The food will be cooked at Kashner's parking lot and the Borough parking lot would be used to set up tables for food pick up. Matt stated Council members will discuss the request and get back to Dave.
  - The Annual Appreciation Dinner will be held on May 4<sup>th</sup>.
  
- Adam Anderson from Site Design attended the meeting to discuss the Walnut Creek Development. John and Rob Barclay were also in attendance. The following was discussed:
  - Adam is requesting a Surety reduction for Phase I, II & III. Some work was completed for Phase I & II which will reduce the amount of Surety needed.
  - Some jobs will be deferred such as the ADA sidewalk ramps as they cannot be put in until the sidewalks are installed.
  - Adam stated that the remaining jobs in Phase II are less than the remaining jobs in Phase I.
  - The Tot Lot is part of Phase III. The area needs to be levelled out. The sidewalks for the houses beside the Tot Lot cannot be put in until the Tot Lot is completed.

- Matt expressed a concern regarding sidewalks. Each sidewalk is put in when the house is constructed. If there is an empty lot between houses, there will be a break in the sidewalks. If a break in the sidewalk is left for any significant amount of time, this will create problems for residents. Adam stated there is a 10% contingency that would cover this scenario.
  - John Runge reminded the Barclays that stop signs and speed limit signs need to be put up immediately.
  - Matt asked about the entrance off of Penn St. Adam explained that the construction of the entrance is part of Phase II and they are waiting for the State to give the HOP permit. John Runge reminded the Barclays that the entranceway needs to be completed as soon as possible. The Barclays agreed and stated they need to establish the bond amount before they can proceed.
  - The Barclays have a Letter of Credit and want to convert that to a Bond. Dean stated that the language in the proposed Bond needs to be worked out first.
  - John Runge previously met with Adam to review and discuss the work that was done and what remains to be completed. John and Steve have inspected all completed jobs and approved everything. John feels the Bond amount requests are fair.
  - Motion #1 – *On a motion from Penny Dzubinski and second from Brenda Kramer, Council members unanimously approved to reduce the Bond amount.*
  - Motion #2 – *On a motion from Rich Mitzel and second from Penny Dzubinski, Council members unanimously approved setting the Bond amount at \$586,747.50 to begin projects per the cost estimate submitted by Site Design with a Conditional Agreement that the figures are reviewed and approved by John Runge.*
  - Motion #3 - *On a motion from Brenda Kramer and second by Penny Dzubinski, Council members unanimously approved the request to convert the Letter of Credit to a Bond for Phase I and II with a conditional agreement that the Borough Solicitor approves of the language/agreement and the Borough Engineer agrees to the financial figures.*
- Wes Grafton attended the meeting to ask a question about the tax sitting date to be held on April 11<sup>th</sup> at the Borough office. Wes received his tax bill with the tax sitting date but he was unsure of who would be collecting the taxes. Matt explained that the Borough is now using the York County Tax Office to collect all property tax payments so they will be here to collect payments.

**Codes Enforcement Officer:**

- Bob discussed the following:
  - Bob issued 3 citations in February for failure to clear snow from sidewalks.
  - Bob issued a citation to a dog owner at 23 E High for a dog fight that occurred. The victim in the attack was not willing to lodge a complaint as she is friends with the dog owner. Bob issued a citation for allowing the dog to roam free. Donna stated that on the invoice from the Animal Control Officer (ACO), it was noted that the dog owner did not respond to the ACO's request for proof of license and vaccinations. Donna feels that the ACO will not pursue getting the requested information because the ACO is understaffed and overwhelmed with the number of calls she must respond to. Bob could pursue obtaining documentation from the pet owner. Bob will keep Council

- members informed of what happens.
- A Zoning Hearing took place on Feb 21<sup>st</sup> to review Mr. Randazzo's request to convert a 2 unit rental at 27 W Main St into a 3 unit rental. The Zoning Board approved this request.
  - Bob is involved with a neighbor dispute at 38 Water St. The property owner at 38 Water St put up a carport without getting a permit. Several years later, the neighbor began complaining that the carport was partially on their side of the property line, and they backed into the carport which caused an argument between neighbors. Bob sent the property owner a letter stating the carport needed to be moved and a permit obtained. The property owner has not complied with Bob's requests. Bob discussed what to do with the Solicitor and Dean recommends that Bob file a Civil complaint with the District Magistrate's Office. If the District Magistrate rules in favor of the Borough and the property owner does not comply with bringing the carport into compliance, there is a fine which is imposed daily for not cooperating.
  - Matt asked Bob to watch for vehicles parking in a yellow zone area on Main St. Recently there was a section on W Main St that was reconfigured for parking spaces and this added 4 more spaces. Matt has seen a vehicle that parks in a yellow zoned area on a regular basis and this creates traffic problems. Bob advised Matt to send pictures of the vehicle (including license plate info) and he will send a letter and can cite them if it continues.
  - A Summary Court Hearing is scheduled for March 11<sup>th</sup> by a resident who is appealing a citation they received for failure to clear the sidewalk of snow.

**Mayor:** Nothing to report

**EMA:** Nothing to report

**Engineer:**

- John reviewed the HOA agreement for the Walnut Creek Development to answer questions about houses being used as rental units. The HOA Agreement states that houses cannot be used for vacation rentals or boarding houses but it can be rented out as a Single Family Home. Currently the HOA is being managed by the Barclays until there are enough homeowners to establish a separate HOA board. John suggested sending a letter to the Barclays advising them of the Borough Ordinances regarding rental units. John will clarify that if any houses will be used for rental purposes in the future, the Borough office will need to be notified of this.
- John reviewed the bids that were submitted for the E High St project. The lowest bid was from Restuccia Construction Services at \$319,903. John spoke with Eric Restuccia to make sure he wasn't under bidding because of water/sewer lines that may need to be moved. Eric confirmed that he did not underbid the job. *On a motion from Rich Mitzel and second from Sabrina Bowman, Council members unanimously awarded the E High St project to Restuccia Construction Services.* John will schedule a pre-construction meeting to include him, the York Co Planning Commission, Restuccia and Steve. Steve stated that he will be supervising the work on a daily basis because of work that is being done close to the water lines. John stated the project will begin in the Spring.

- John stated that a meeting is scheduled with PennDot to review the proposed design of the intersection at Penn St & Main St. The meeting will take place on 3-7-24. John will provide further details about the meeting to Matt and Larry in case they would like to attend.
- John discussed the situation with the resident that lives at 118 E Main St. A portion of a wall fell into the creek last year. John reported that there is only a dirt embankment, so the resident did not make the proper repairs. John stated he will reach out to DEP to discuss the matter and will also mail a letter to the resident.
- John gave an update on the Dirt, Gravel, Low Volume Road Project. John received an email a few weeks ago stating that monies for this project needed to be spent by June 1<sup>st</sup>. John stated that the project cannot be completed by that time frame because it will take a few months to get the necessary materials. John discussed this with the County and they were able to come up with a plan. The County will pay 50% of the project up front with the balance to be paid later. John will prepare a bid package with one bid for the reclamation and another bid for the paving portion. *On a motion from Penny Dzubinski and second from Brenda Kramer, Council members unanimously approved advertising the bid package.*

**Solicitor:**

- Dean provided a draft Garbage Ordinance for Council members to review. The following was discussed:
  - Matt had previously requested that water and sewer rules be added to the Garbage Ordinance. Dean reviewed the Rules and Regs created by the Water and Sewer Authority and feels that it would be confusing to put anything into the Garbage Ordinance as their policy is very strong.
  - The following items were added to the Ordinance:
    - Property owners are responsible payment of the bill
    - Quarterly fees will be charged regardless if house is vacant
    - Collection fees, late penalty fees or liens can be applied to delinquent accounts
    - Items that are not allowed to be put out for trash were identified such as electronics, building materials and hazardous materials
    - Times identified of when trash can be put out
    - Time frame for removal of trash cans from curb
    - Large apartment buildings need to supply a fenced in area for placement of trash cans
    - If more than the allowed amount of trash is put out, property owner can be charged an additional fee
    - Dean will revise the Ordinance for Council members to review at next month's meeting.
- Dean provided an update on the tax collector. Bobbi Daley turned in tax records to the

Borough office. She stated there is 1 year that she still needs to complete. Bobbi also returned the office key. Bobbi turned in records to the County tax office. They are currently reviewing them. The Fulton Bank account has not been closed yet as Bobbi is waiting for 2 checks to be processed. Sharon Wolfe is still waiting to get records for Bobbi. Donna will follow up with the York County Tax office to see if anything further needs to be done.

- Dean discussed the dog bite incident as he was asked to see who could be held liable. Dean reported that PA law states that the dog owners are responsible for any damage caused by their dog. There is no law that would allow landlords to be held responsible for the tenants' dogs. Dean also stated that there is no law where a Borough could limit the breed of dog allowed in the Borough. If a dog continues to be aggressive and cause problems, the State law would allow further action to be taken against the dog owner.

#### **Council Members:**

- Matt stated the Food Bank workers requested access to the Borough's internet service. The Central PA Food Bank is instituting a new policy that requires Food Bank workers log in information on a tablet when food is distributed, so they would need access to the Borough's internet service once or twice a month. The following was discussed:
  - Can a guest log in be created specifically for the Food Bank?
  - What type of controls would need to be set up (ex: changing the password each time, limiting the number of people allowed to use it).
  - Should the Borough purchase another router for the Food Bank's use?
  - Donna stated she didn't feel it would be a good idea because of security concerns. There have been several past attempts by someone trying to hack into the Borough's accounts, so Donna is concerned that allowing this may open up a new set of security problems.
  - It was suggested that the Food Bank workers use a hot spot off of their phone.
  - If a Food Bank Worker has Comcast for their home service, they would be able to access their account on line and have a hot spot connection.
  - Since this is a non-profit organization, Comcast may have offer a discounted rate for internet use.
  - Matt will discuss these option with the Food Bank.
- Council members reviewed information regarding upgrading streetlights. The following was discussed:
  - There are 87 lights in the Borough.
  - MetEd requires that a minimum of 12 lights be upgraded and must be geographically located.
  - Streetlights must be at least 20 years old in order to have upgrades done at no cost.
  - 11 lights can be upgraded at no cost in 2029. The remaining 76 lights can be upgraded at no cost in 2032.
  - The cost to upgrade all 87 lights now would be approximately \$25,605.
  - The annual electric bill for 2023 was \$19,605. Upgrading to LED lights would save approximately 30% on the electric bill.
  - Liquid Fuels funds can be used to pay for streetlights, but Donna doesn't

recommend it. In order to use Liquid Fuels funds, the job would have to be bid out. MetEd stated that only they can perform the work on their lights.

- Council members feel this would be a very beneficial project to complete so they would like to move forward.
  - Council members asked Donna to contact MetEd to see if 2 additional lights can be added- 1 on South Ave and 1 on E Gay St.
  - Matt would like to have decorative light fixtures. Donna will look into this.
- Council members reviewed information provided for a conference table. The following was discussed:
    - The table is custom built and will be in a U shape which is what Council members wanted so they would not have their backs to residents during the meeting.
    - Donna obtained 2 quotes for a custom-made table and also provided alternative tables. The cost for a basic 12 foot table starts at \$1,200 which is on the low side. A basic 12 ft table would require that chairs are placed on both sides.
    - The cost for the custom-built table and 16 chairs is \$6,385 which includes installation.
    - The custom-built table will be designed to fit the area that the conference table is currently at.
    - The chairs are padded, and there is the option to have some with arms and some without. Donna obtained a quote for chairs without casters as she was concerned about safety issues with rolling chairs.
    - Council members feel that only 11 chairs are needed at this time.
    - Council members would like to find out what the table is made of and if there are color choices.
    - Donna will obtain further information to be discussed at the April Council meeting.

#### **Secretary-Treasurer:**

- Donna reported that the Authority members changed their meeting day and times to the 3<sup>rd</sup> Wednesday of each month with a meeting time of 10:00 am. The change of day and time was a result of accommodating the Authority members' schedules.
- Donna stated that the current electric contract will expire in 2024 so she has been working to get a new contract. Donna found an offer with Constellation Energy with the rate of .07518 for 24 months. Donna stated that a 36 month rate was slightly higher. *On a motion from Rich Mitzel and second from Brenda Kramer, Council members unanimously approved locking in a contract at .07518 for 24 months.*

#### **Maintenance:**

- Steve reported that he recently met with Steve Malesker from HRG to review the County bridge inspection report for Myers Ave. The inspection was done on 4-13-23 and showed that some repairs need to be made to the bridge. Steve obtained a quote from Keith Pennell to make the necessary repairs. Keith's quote was \$20,000. HRG's quote to make the repairs was \$34,430. *On a motion from Penny Dzubinski and second from*

*Rich Mitzel, Council members unanimously approved for Keith Pennell to make the bridge repairs at a cost of \$20,000.*

- Steve reported that he scheduled street sweeping to take place on April 23-24. Signs will be posted.
- Steve discussed paving projects for the spring. South Ave needs to be paved along with Firehouse Alley. Steve will get quotes to discuss at the next meeting.

*Council Members went into an Executive Session at 8:35 to discuss personnel matters. The Executive Session ended at 8:50 pm.*

*On a motion from Penny Dzubinski and second from Sabrina Bowman, Council members unanimously approved payment of the current invoices.*

*On a motion from Rich Mitzel and second from Penny Dzubinski, the meeting was adjourned at 8:51 pm.*

*Respectfully Submitted*

*Donna Martin  
Secretary-Treasurer*