

**NEWBERRY TOWNSHIP BOARD OF SUPERVISORS**  
**Monthly Meeting**  
**April 27, 2021          6:00 p.m.**

**Call to Order by Chairman Mario Eckert**

Chairman Eckert called the Regular Meeting to order at 6:00 p.m. Proof of publication was available for public inspection.

**Attendance**

Chairman, Mario Eckert	Township Manager, Tony Miller
Vice-Chairman, Maxine Kauffman	Police Chief, Steve Lutz
Supervisor, Clair Wintermyer	Wastewater Services Coordinator, Brent Zeiders
Supervisor, Dave Kirkpatrick	Township Comptroller, Jane Deamer
Supervisor, Brandt Cook	Fire Chief, Gary Hatterer
Engineer, Bill Rudy	Zoning Officer, Marcus Brandt
Solicitor, Andrew Miller	

**Public Comments**

Mike Hough, River Rd: Mike spoke about the history of River Rd where LQK is located. He said paperwork was passed for permits that should not have been and waivers were passed. Truck traffic on River Rd was bad and a traffic study had to be done, and ordinance was then passed. Mike and surrounding neighbors have complaints against the car painting building at Save-Rite due to potential fumes. Supervisor Kirkpatrick said there was not much they could comment on due to a lawsuit regarding these issues.

**Minute Approval**

- MOTION          by Supervisor Wintermyer to approve the meeting minutes from March 23, 2021 Board of Supervisors meeting. The motion, seconded by Supervisor Cook, carried unanimously.
- MOTION          by Supervisor Cook to approve the BOS Workshop meeting minutes from April 13, 2021. The motion, seconded by Supervisor Kirkpatrick, carried unanimously.

## Subdivision Plan Review

John Murphy from Alpha Engineer presented The Woods phase 4 plan. This phase includes 34 new building lots. Conservation district will be approving the construction entrance off Pines Rd for the construction crew to use. This is the final phase of The Woods project.

MOTION by Supervisor Kirkpatrick to approve The Woods phase 4 Subdivision subject to the engineers' comments. The motion, seconded by Supervisor Cook, carried unanimously.

Ron Seceary representing Goodman Logistics presented the variance request for the light pole height around building 1. This exception request was originally presented to the Zoning Hearing board on April 26 to allow 30-foot poles and was granted, with the stipulation that this also needed to be presented to the Board of Supervisors. Improved landscaping plan on the South side for impacted residential. The 30-foot poles will also have shields on the back. Chairman Eckert asked if the presenter had any experience using the shields on the lights, and the reply was no. Supervisor Wintermyer asked how far the poles are from the property line and the reply was 400 feet.

MOTION by Chairman Eckert to approve the variance for the 30-foot light plans with the engineers' recommendations. The motion, seconded by Supervisor Kirkpatrick, carried unanimously.

Attorney McCombie representing Chris Haring and CCH requesting an extension for a hearing and if not approved for a hearing, to present the plans to the board the revised plan. Supervisor Wintermyer asked what plans they have to fix and widen Sipe Rd and 382 section. Attorney McCombie said the only road improvement set is on Culhane Rd. Engineer Bill Rudy spoke about the revised plan. There are some disagreements regarding sewage flow, they are proposing 5 gallons per person a day, which is more flow for a warehouse instead of industrial. The right of way that is being proposed is also not the 50-feet that is required and would need to obtain right away from residents. Bill Rudy also said the Fire Chief also has concerns regarding emergency access. Traffic Engineer Patrick spoke about the traffic study that there is not enough room on the road for the trucks to turn without encroaching oncoming traffic. Resident Mike Hough said he does not believe this is a good decision to have this project move forward. Solicitor Andy Miller said the board needs to consider the project adequately provided improvements for ingress and egress to the property.

MOTION by Chairman Eckert to decline the offer on the extension for a hearing. The motion, seconded by Supervisor Wintermyer, carried unanimously.

## REPORTS

### Police Department – Chief Lutz

Police Chief Lutz reviewed the monthly report that was submitted. Chief Lutz brought up that the Police and other agencies had a meeting regarding National Night Out.

### Fire Department – Gary Hatterer

Chief Hatterer stated he did not have anything to add to the Fire and EMS reports that were submitted. Chief Rudy from Goldsboro talked about the joint training all three departments had. They are also scheduled to go to the Sewer building for a walk through.

### Solicitor – Andrew Miller

Solicitor Miller submitted a written report to the board. Solicitor Miller requested the board to give him permission to send a formal letter of denial to CCH.

MOTION by Chairman Eckert to authorize the Solicitor to send a formal denial letter to CCH. The motion, seconded by Supervisor Cook, carried unanimously.

Solicitor Miller spoke about the Ordinance regarding curbs and sidewalks to see what the board wanted to do with it.

MOTION by Chairman Eckert to table the curb and sidewalk Ordinance. The motion, seconded by Supervisor cook, carried unanimously.

Solicitor Miller talked about the amendment to the RCO zoning ordinance to remove light industrial and the steps to have it approved. Requesting authorization to send it to the Planning Commission and to authorize advertisement for a public hearing.

MOTION by Supervisor Kirkpatrick to move the ordinance to the planning commission and have a zoning hearing on June 22<sup>nd</sup>. The motion, seconded by Supervisor Cook, carried unanimously.

Solicitor Miller spoke about another Amendment to the non-uniformed employee pension ordinance. This changes the definition of eligible employee.

MOTION by Chairman Eckert to advertise the amendment to the non-uniformed employee document. The motion, seconded by Supervisor Cook, carried unanimously.

### Engineering – Pennoni Associates

Engineer Bill Rudy submitted a written report to the board. Bill Rudy spoke about the request made for the hearing-impaired sign. Traffic engineer Patrick said the sign requested is an approved sign. Chairman Eckert asked if the Township places this sign, is it a requirement to have the parents sign a waiver regarding liability. Solicitor Miller said it is not a requirement.

MOTION by Vice-Chair Kauffman to place the hearing-impaired sign. The motion, seconded by Supervisor Wintermyer, carried unanimously.

## **REPORTS cont.**

### **EMA - Tom Alstead**

Tom Alstead submitted a written report to the board.

### **Highway- Scott Getgen**

Scott Getgen submitted a written report to the board.

### **Zoning Officer- Marcus Brandt**

Marcus Brandt submitted a written report to the board.

### **Sewer – Brent Zeiders**

Brent Zeiders submitted a written report.

### **Township Manager’s Report – Tony Miller**

Manager Tony Miller submitted a written report. Tony Miller said this is the first meeting that the Township had limited public participation. He let the residents know who were watching the live stream that there are 15 seats available for each meeting and they are first come first serve. The Municipal building will be closed May 18<sup>th</sup> due to the election.

### **Treasurer’s Report – Jane Deamer**

Comptroller, Jane Deamer submitted a written report.

### **Supervisor’s Report**

Chairman Eckert brought up the workshop meeting they had two weeks prior. They are going to leave the future Workshop meeting dates open incase business needs talked about or residents want to come in and voice their concerns.

Supervisor Kauffman wanted to talk about the intersection of Yocumtown and Red Mill since there was another crash reported. She said that because of the number of accidents at this interception the surrounding houses have cones and vests to help direct traffic. Wants to look for different ideas on how to make this intersection safer. Dave Parsons asked why Lewisberry intersection has rumble strips and a blinking light, but Red Mill/Yocumtown intersection could not. Supervisor Kirkpatrick said it was done after fatalities at the intersection. Chairman Eckert proposes they investigate different options for the intersection to make it safer.

MOTION           by Supervisor Cook to cancel the May Workshop meeting. The motion, seconded by Supervisor Kirkpatrick, carried unanimously.

## Old Business

### **382 Traffic Study for Brake Retarding Signs**

Township Manager Tony Miller said the Township received a letter from a PennDOT Engineer will have 30 days to do the traffic study and will send us a letter.

## New Business

### **Farm Lease- RexRoth Farms**

RexRoth farms provided their liability insurance and agreed to sign a lease to farmland that the Township owns. They will be paying \$800.00 a year that will be deposited in the Recreation fund.

MOTION by Supervisor Kirkpatrick to execute the lease with RexRoth Farms. The motion, seconded by Supervisor Cook, carried unanimously.

### **Mr. Keith Rogers of 1159 Cly Road**

Keith Rogers appealed the ordinance violation for chickens without a permit. Solicitor Andrew Miller said this situation where he did not even apply for a permit needs to go in front of a DJ. There is no grandfathering in the ordinance. Supervisor Wintermyer asked how many birds he has right now. Keith said about a dozen, including roosters he rescued. Supervisor Wintermyer told him to just apply for the Permit, but Keith said he would have to get rid of his roosters. Chairman Eckert said if he would comply with getting rid of the roosters and obtaining a permit, they can remove the violation. Keith Rogers said he would not do that.

### **Storm Drain Repair Robert Paul Drive**

Public Works Director Scott Getgen put together a packet for cost to repair that area of the road. The amount to repair would be \$5,454.

MOTION by Chairman Eckert to approve the repair work for Robert Paul Drive. The motion, seconded by Supervisor Cook, carried unanimously.

### **ABI Force Quote, Park and Recreation field repair/prep equipment**

Scott Getgen said this equipment will cut the time the highway department works on the ball fields in half.

MOTION by Supervisor Kirkpatrick to approve the purchase of the ABI Force equipment. The motion, seconded by Supervisor Cook, carried unanimously.

## **New Business cont.**

### **Timbering Quote**

There were two quotes received to remove Timber from Township property. Wampler logging bid \$13,000 to be paid to the Township and they will take everything.

MOTION by Supervisor Cook to accept the bid from Wampler logging for \$13,000 revenue. The motion, seconded by Supervisor Kirkpatrick, carried unanimously.

### **Zelenkofske Proposal/American Rescue Act**

The Township will be receiving money from the Federal Government. Zelenkofske CPA firm will help the Township with property utilizing the funds. Supervisor Cook said he believes it is a little too early to do this when they do not even know the regulations that will be given once the money is received. Supervisor Wintermyer asked if they will insure us if something is done incorrectly. Township Manager Tony Miller replied that yes that is what is stated.

MOTION by Chairman Eckert to table the Zelenkofske proposal until the Township receives more information regarding the funds. The motion, seconded by Supervisor Cook, carried unanimously.

### **Public Meeting Policy/Revised**

The prior policy was updated to include limited participation. The revised policy also included changing the mailing to go to Newberry Township instead of the Board of Supervisors.

MOTION by Chairman Eckert approved the revised public meeting policy. The motion, seconded by Supervisor Cook, carried unanimously.

### **Electric Power Service Provider Contract/Award**

The Township contracts with a third-party electric provider. The contract will be up in January 2022. Patriot energy provided the best rate.

MOTION by Supervisor Cook to go with Patriot energy. The motion, seconded by Supervisor Kirkpatrick, carried unanimously.

### **Road Program Bid Results/Award**

Bill Rudy bid out the road construction for the Township. The lowest bidder was EK Services at \$545,277.35. He is recommending this bid for the Old Trail project. Stewart and Tate bid patch. Vulcan bid on the stone and anti-skid. Scott will purchase the materials as needed. Nobody bid on asphalt most likely due to the price going up.

MOTION by Chairman Eckert to approve the bid to EK Services for the Old Trail Project. The motion, seconded by Supervisor Cook, carried 4 ayes and Supervisor Kirkpatrick abstained.

MOTION by Supervisor Kirkpatrick to approve the bids for the materials. The motion, seconded by Supervisor Cook, carried unanimously.

## **New Business cont.**

### **Accept Resignation of Joe Wojtysiak from Planning Commission**

MOTION by Supervisor Kirkpatrick to accept the resignation. The motion, seconded by Supervisor Cook, carried unanimously.

### **Accept Resignation of James Novinger from Zoning Hearing Board**

MOTION by Supervisor Cook to accept the resignation. The motion, seconded by Supervisor Kirkpatrick carried unanimously.

### **SR-1013 Bridge Recon over Conewago Creek/Cly Road detour approval**

State looking for approval to detour traffic during bridge construction. Supervisor Kirkpatrick said normally the state will camera the roads before and after the detour and fix any damages that happened.

MOTION by Chairman Eckert to approve the detour. The motion, seconded by Supervisor Wintermyer, carried unanimously.

### **Payment of Bills**

MOTION by Supervisor Kirkpatrick to approve the payment of bills. The motion, seconded by Supervisor Cook, carried unanimously.

### **Executive Session**

Chairman Eckert announced the board discussed personnel issues.

### **Adjournment**

MOTION by Chairman Eckert, seconded by Supervisor Cook. Meeting adjourned at 8:21pm.

Respectfully Submitted,

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Tony Miller, Secretary