

**NEWBERRY TOWNSHIP BOARD OF SUPERVISORS**

**Monthly Meeting**

**June 27, 2023 @6:00 pm**

**Call to Order by Chairman Rob Harkins at 6:00 p.m.**

An Executive session was held this evening at 5:00 pm to discuss real estate assets, Police and Sewer personnel matters and litigation matters.

**Attendance**

Chairman Rob Harkins  
Vice-Chairman, Diane Shellenhamer  
Supervisor, Clair Wintermyer  
Supervisor, Dave Kirkpatrick  
Supervisor, Maxine Kauffman  
Township Manager, Tony Miller  
Solicitor, James Sanders  
Engineer, Bill Rudy  
Public Works Director, Scott Getgen  
Sewer, Brent Zeiders  
Police Chief, Steve Lutz  
Codes and Zoning, Jeremy Eutz

**OLD BUSINESS**

**Discuss Potential Sewer Asset Sale**

DISCUSSION Chairman Harkins says after a discussion he and others are not ready to vote on this. It is being tabled until the July meeting and before the July meeting they will have another public meeting. Vice Chairman Shellenhamer says the date is to be determined and we will let the public know.

MOTION

**PUBLIC COMMENTS**

Julie Dibble, Newberry Township Church of God, speaks on common ground and read scripture from John 17 Verses 20-23.

Jean Funck, 170 Winding Hill Dr, spoke about last night's town hall. She was appalled at the behavior and that the Chairman did not control the chaos. She and her husband left early because of this. She urges a delay in the vote and letting the citizens have more time to do their homework.

Steven Funck, 170 Winding Hill Dr, last night was the first he heard of the sale. He went onto our website and read the PFM updates. He is happy to see we delayed the vote. He has confidence in York Water that they would maintain the sewer to compliance. Chairman Harkins apologized his role he played in last night's chaos. He thinks the meeting went well and hopefully the next meeting will go even better.

Sandra Gonzalez, 140 Oak Road, thanked Maxine for the informational handouts she was given information on election day. She then asked what was the genesis of this? Who began this? Vice Chairman Shellenhamer said she believes in 2020 it was first spoke about. Chairman Harkins says he does not think anyone was pushing for the sale, but he was for

exploring the sale. Supervisor Kauffman says she believes Supervisor Wintermyer and Mario Eckert said to sell the sewer. Supervisor Wintermyer said that was not true.

Gabrielle Perkins 430 Red Mill Rd. She feels like the residents are only getting half the story. She wants to know what the real reason is why we are exploring the sale. She asked why we have a sewer debt; can we just raise rates to pay off sewer debt. Page 9 of the packet says we are paying off sewer fees and debt. She feels things are sketchy. Supervisor Kirkpatrick explained the sewer escrow. What it entails. She asked if the sewer debt has to do with the fees of the sewer sale. Chairman Harkins said maybe 50% of it. Scott Shearer, PFM explained further. Any sewer debt will have to be paid off at closing if the sewer is sold. 1.9 million is real estate related sewer fees. Ms. Perkins says we have money in the general fund, we could raise rates to pay off the debt. She would like to know why 48% of the township is funding the General Fund and the Township projects. Again, she asked to raise sewer rates to make this go away. She says we have an excellent system with excellent employees. She asked how do we know if the resident won't be paying for other municipalities? She ended with flush it and make it go away.

Jason Christine, 15 Dubbers Dr, asked why each Supervisor voted to keep exploring the sale. Supervisor Kauffman explained that residents do not know how they are going to vote. She went on to say they are still investigating. She would like to hear from the other 90% of residents who are on the sewer. She received phone calls from residents who want to be heard. This is the reason for another meeting. Jason Christine asked what they planned to do with the money from the sale. Supervisor Wintermyer responded to keep taxes lower. Vice Chairman Shellenhamer said that the initial exploration was just to access the value of the sewer. Chairman Harkins said he would set up several interest-bearing accounts for parks, fire services, infrastructure. They would use the interest to fund things over the upcoming years. Supervisor Kirkpatrick agreed with Chairman Harkins and said maybe in the future taxes could be lowered. Chairman Harkins stated he felt that nobody came to the meeting the previous night to listen to the presentation. Jason Christine asked why we miss out on funding and grants. Supervisor Wintermyer said we did apply for a grant to run the sewer on Old Trail. Supervisor Kauffman says Manager Miller applies for many grants and we have a grant writer that looks for grants. Manager Miller stated we submitted a small water/sewer grant. We have not heard back. The state is sitting on their hands. We put in a lot of grant submissions but there is a lot of competition. Jason Christine asked why we post the PFM's update so late and why are we having hick ups with the streaming.

John Williams, 185 Hemlock Lane thanked the board for postponing the vote. With the information given he is against the sale. We have a system that has banked us 7 million. We need to start using the money. He says it does not make sense to sell. He wanted a raise of hands from the board to do a customer survey. Chairman Harkins says yes. He asks for the board to set aside money to subsidize the rates. Supervisor Wintermyer says to keep the rates low we should not sell the sewer.

Deb McKiernan, 15 S Ben Hogan Dr she says raising taxes is doable because that can be claimed at the end of the year. . She called the south-central DEP. The DEP says there has been no communication between the DEP and the Township. r. She asked if the Supervisors violated the Sunshine Act by having York Water at the Town Hall meeting and not the other bidders. Solicitor Sanders explained that the Supervisors did not violate the Act. Vice Chairman Shellenhamer asked if she would like us to invite all bidders to the next meeting.

Katelyn Moyer, 60 White Oak Lane. They have a Petition with 400 signatures. This is via social media. Would like to know when the surveys will be mailed. Asked how long it takes for our Sewer workers to come out to someone's house if something breaks. How long will it take if we sell? Chairman Harkins says the sewer will be staffed just the way it is now. She says that if the sewer is sold the Board is doing disservice to 3500 people.

Jordan Harman, Cragmoor Rd, asked about a maintenance budget. Brent spoke about the budget. Pump station maintenance is 35-50k. Plant maintenance is around 50k a year. We work within the budget and appropriate year to year. She asked Scott Shearer what other advice he has given us to work off the Township debt. Chairman Harkins explained that PFM was hired only to research the sale of the sewer. Ms. Harman went on to read a poem about an apple referencing that we should feed what we have.

Connie Flasher, asked why a referendum was not done and now being told there cannot be one. Solicitor Sanders explained there is no statute that approves the sale of a wastewater facility. Went on to discuss the sale of the sewer will cover the new building. Chairman Harkins asked that Mrs. Flasher provide facts of what she was speaking.

Jane Harman, Thanked the board for tabling the vote. Asked why they are buying time. She spoke about the sewer grant that we did not receive for the new building. She went on to speak about the lower taxes that Supervisor Kirkpatrick spoke about. Read January 2020 meeting minutes concerning the sewer and tax millage rate. Vice Chairman Kauffman brought up in 2021 to sell the sewer.

Kris Quintana, 25 Rebecca Dr, spoke about the tension between the Supervisors and the Residents. He is more than thankful that the Board is looking more into the sale instead of voting. He believes there is a huge disconnect between the Supervisors and the residents.

Dave Lash thanked the Board for the chance to speak. He says if rates go up the Senior Citizens will not be able to live in Newberry Township.

Jennifer Murphy, 35 Crestview Court, spoke about 1800 York Haven Rd. This house burned down on October 10, 2022. She wants to make everyone aware of the riff raff that comes in and out of the house. Complained about the smell of whatever the people are burning. Manager Miller commented that they were cited for burning during a burn ban. He explained this is a police issue and 911 should be dialed. The resident wants to know when the residence will be cleaned up. Manager Miller went on to explain we had difficulty finding the homeowner. Solicitor Sanders did comment that our biggest issue was locating the Homeowner.

Nancy Fodor, , asked Supervisor Kauffman why she needs to hear from the other 90% of residents on sewer. Ms. Fodor stated that she felt the 10% that was there was a pretty good mix.

Andrew Smhee, 2555 Grandview Dr, spoke about Brent and what happens if Brent turns in his two weeks' notice. Chairman Harkins said that York Water would have a bigger staff. Supervisor Wintermyer says he does not think Brent would leave because of the residents. Supervisor Kauffman says the Board wants what is best for the residents.

William Stevens, 130 Bobby Jones Dr has lived in the Township since 83. He disagrees with the potential sale. He says the sewer is an asset.

Deb McKiernan looked on the DEP website and could not find anywhere that they recommend Townships to sell their sewer.

## **MINUTE APPROVAL**

**MOTION** By Supervisor Kirkpatrick to approve the minutes from May 23, 2023, Seconded by Supervisor Kauffman, carried unanimously.

## **LAND DEVELOPMENT/SUBDIVISION PLAN REVIEW**

Bamberger Subdivision-

Chris Hoover with Hoover Engineering, a 25-acre piece for single family homes off Potts Hill. The acreage will be divided in half for two 12 acre lots. Engineer Rudy said they are down to the administrative items. He went on to explain the three waivers. Stormwater Management, Site Context Map, and the Residual lot not being developed.

**MOTION:** By Supervisor Kirkpatrick to grant the 3 Waivers for the Nichols property, seconded by Supervisor Wintermyer, carried unanimously.

**MOTION:** By Supervisor Kirkpatrick to approve the subdivision with the Engineers comments, seconded by Chairman Harkins, carried unanimously.

## REPORTS

### **Public Safety – Chief Lutz**

York Haven Fire Department is having a chainsaw and blower raffle. Chief Lutz urged individuals to lock their car doors. Be on the lookout for an individual going through mailboxes and discarding mail throughout the Township. 21 reports of disturbed mail were taken that morning.

### **Solicitor – James Sanders**

Solicitor James Sanders submitted a report to the board.

### **Engineering – Pennoni Associates**

Bill Rudy submitted a written report to the board.

### **Highway- Scott Getgen**

Scott Getgen submitted a written report to the board.

### **Zoning Officer- Jeremy Eutz**

Jeremy Eutz submitted a written report to the board.

### **Sewer – Brent Zeiders**

Brent Zeiders submitted a written report.

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

Tony Miller submitted a written report.

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

Jane Deamer submitted a written report to the board.

### **Supervisor’s Report**

Supervisor Kirkpatrick said on July 10, Sgt Martinez, Chief Lutz and himself are meeting with the towing operators in the Township to go over the towing ordinance.

## NEW BUSINESS

### **Rexroth Farm Lease**

MOTION By Supervisor Wintermyer to approve the Rexroth Farm Lease, seconded by Supervisor Kirkpatrick, carried unanimously.

DISCUSSION Manager Miller explained this is a farm lease we have done for several years that pays \$800.00 to the recreation fund by allowing them to farm 10 acres of land in the Township.

**Approve AV equipment contract for MESB. \$143,264. We have a grant for \$99,674.**

MOTION By Vice Supervisor Kauffman to approve the AV equipment, Seconded by Supervisor Kirkpatrick, 4 yes 1 no

DISCUSSION Manger Miller explains this is a Costars bid by JP Lilley. This is audio visual equipment throughout the building.

Deb McKiernan, 15 S Ben Hogan Dr, asked for the breakdown of what all we are getting for the price. TVs, projector system, audio system. She asked if we shopped the prices. Supervisor Wintermyer says he shopped prices and seen all the TV's a lot cheaper online. Bill Rudy explained what Costars is. That we do not have to go to bid. Supervisor Wintermyer said he compared the same TV by part number and found them much cheaper at Target. Deb McKiernan asked if the AV equipment was in the original building cost. Chairman Harkins further explained that Costars gives the best prices.

Sandra Gonzalez, if we change the structure of the petition of the grant does it cancel out the grant? She says we need to remember that the AV equipment is going in a Police Station.

Carlene Frye, 1925 York Haven Rd, if it is the same model number than it is the same machine. Why can't we save the money and buy the cheaper priced TV.

Steve Toomey 160 Cragmoor, spoke about bidding. You must go with whoever bids or table it and not buy. He explained there is a set of rules that need to be followed when purchasing. Supervisor Wintermyer says Walmart is donating TVs to the RV.

Jannette Birdwell 2730 Grandview Dr asked who is the Treasurer. Manager Miller said he is the Assistant Treasurer. She asked if we paid Costars and then asked what they do. Manager Miller explained.

Mystery Wintermyer, spoke about purchases she previously made at Best Buy and had the Geek Squad Warranty.

Sandra Gonzalez spoke about her son being a Geek Squad Manager. She says he only serves homeowners.

**Approve to hire graduate Cadet Patrick Richards per the recommendation of Chief Lutz. Start date July 17, 2023**

MOTION By Supervisor to hire Patrick Richards for the patrolman position, Seconded by Supervisor Kauffman, carried unanimously.

DISCUSSION Patrick Richards says he graduates July 14 and will start Monday July 17, 2023. He will be a patrolman. Supervisor Kirkpatrick explained he will replace someone that retired. This is not a new position. The Board and audience then Welcomed him aboard.

## **NEW BUSINESS CONTINUED**

**Discussion regarding purchase of 2 additional Chevy Tahoe Police Vehicles.**

MOTION By Supervisor Kirkpatrick to purchase 2 Chevy Tahoe Police Vehicles, seconded by Supervisor Kauffman, carried unanimously.

DISCUSSION Manager Miller said we previously purchased 2 Chevy Tahoe's from Frederick Chevrolet with a grant. The opportunity has presented itself to purchase two more with the grant. He gave a rundown of the cost. He also explained we will be selling multiple police vehicles.

Deb McKiernan, 15 S Ben Hogan Dr, asked where the \$26k and change was at in the budget. Manager Miller explained that this purchase was not in the budget. Manager Miller then referenced second class Township Code Section 3202 Section E. Deb McKiernan then asked if we were going to reduce something in the budget for the cost of the vehicles. Chairman Harkins said that he did not know but assumed the correct answer is No. Chairman Harkins went on to explain why this decision was made to purchase the vehicles and the reason we received a duplicate grant. Supervisor Wintermyer asked how much we can get for a used police vehicle. Deb McKiernan asked is there a schedule for when the Police Vehicles are replaced. Chairman Harkins, Supervisor Kauffman and Chief Lutz all explained. Deb McKiernan then asked if some of the police vehicles get driven home by the officers. Chief Lutz explained that there are several vehicles that are taken home. He and LT Ditty are on call 24 hours. The other two vehicles that are taken home are the K9 vehicles. Deb McKiernan asked if there is a restriction on how far the Officers can live. Chairman Harkins explained.

Sandra Gonzalez spoke about the hours that are placed on the police cruisers.

Jane Harman asked if we received another grant for the vehicles. Chief Lutz explained the grant. Jane Harman then asked when the last time we purchased vehicles. She then wanted to know how many vehicles we currently have.

Manager Miller commented that he is not an advocate for buying police vehicles that are unneeded. He says this is a fiscally responsible deal.

Supervisor Wintermyer and Supervisor Kirkpatrick spoke about the pricing of the graphics on the vehicles.

**Approve to hire sewer operator/laborer at \$22 per hour to fill vacancy.**

MOTION By Supervisor Kirkpatrick to hire a sewer operator/laborer seconded by Supervisor Kauffman, carried unanimously.

DISCUSSION Manager Miller stated the candidate was recommended by Brent Zeiders. This has been a vacancy for a long time.

**Release the Highland Phase 4C Bond \$8606.35.**

MOTION By Supervisor Kauffman to release the Highland Phase 4C bond, Seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION Engineer Bill Rudy explained this is the last bond that is being held. Basin is complete he is ok with releasing the bond.

## **NEW BUSINESS CONTINUED**

**Approve Lobar Invoices \$590,489.89 and \$947,445.21**

MOTION By Supervisor Kauffman to approve Lobar invoices \$590,489.89 and \$947,445.21, seconded by Vice Chairman Shellenhamer, 4 yes 1 No

DISCUSSION Chairman Harkins explained this is for framing, roofing, insulation, rough in wiring and site work.

Steve Toomey asked if we have an independent agency doing the inspections of Lobar's work. Chairman Harkins commented that we are using Commonwealth Code Inspections.

**Approve Driver Safety Policy for all Township staff.**

MOTION By Supervisor Kauffman to approve driver safety policy for Township staff, seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION Chairman Harkins said this is something our insurance is requiring. Treasurer Jane Deamer explained further that a point system will be placed for unsafe drivers. .

**Approve Resolution 2023-18, GTRP Dolan Phase 2 grant authorization.**

MOTION By Supervisor Kirkpatrick to approve resolution 2023-18 GTRP Dolan Phase 2 grant authorization, seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION Tony Miller explained we must submit a resolution for every state grant that we do. This grant will be for picnic tables, playground equipment, basketball court and parking.

**PAYMENT OF BILLS**

MOTION By Supervisor Kirkpatrick to pay the bills, seconded by Vice Chairman Shellenhamer, carried unanimously.

**ADJOURNMENT**

MOTION By Supervisor Kirkpatrick to adjourn, seconded by Supervisor Kauffman, carried unanimously.

DISCUSSION: Chairman Harkins stated that numerous people had sent him messages today. He explained he used to work for Lobar. He has not worked for them for 12 years. He was not on the Board when they were awarded the bid for the new building.

Respectfully Submitted,



Tony Miller, Secretary

