

## NEWBERRY TOWNSHIP BOARD OF SUPERVISORS

### Monthly Meeting Minutes

November 21, 2023 @ 6:00 pm

#### Call to order by Chairman Harkins at 6:00 p.m.

Executive Session was held tonight at 5:00 pm to discuss personnel issues related to the teamsters' contract, litigation, and professional services.

#### Attendance

Chairman, Rob Harkins  
Vice-Chairman, Diane Shellenhamer  
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

### PUBLIC COMMENT

Sandra Gonzalez – Resident, 140 Oak Road – Commented on events occurring around the world and curious if there is a protocol in place with the police department. Chairman Harkins stated there would be a discussion with Chief Lutz regarding her concern.

Jane Harman – Resident, 205 Hemlock Lane – Commented on the ordinance regarding signage. She would like the current ordinance viewed and possibly changed to allow signs to be placed earlier than is now allowed.

Deb McKiernan – Resident, 15 S. Ben Hogan Drive – Stated she had questions about the bill paying. She would like clarification on items that say contracted services. Manager Miller stated the IT services for each building, in addition to the grant writer. Ms. McKiernan questioned the legal services. Manager Miller explained each service. Ms. McKiernan also wanted clarification on some items of the proposed draft budget. Manager Miller went over in detail each item in question.

### APPROVAL OF MINUTES

MOTION By Supervisor Kirkpatrick to approve the minutes from the budget workshop meeting October 17, 2023, seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION None

MOTION By Supervisor Kauffman to approve the minutes from October 24, 2023, seconded by Chairman Harkins, carried unanimously.

DISCUSSION None

## LAND DEVELOPMENT/ SUBDIVISION PLAN REVIEW

None

## REPORTS

### **Public Safety – Chief Lutz**

Chief Lutz stated York Have Fire Department is having a Santa run on December 25<sup>th</sup> at 8:00 am. Goldsboro Fire Department is having bingo on December 1<sup>st</sup> and December 15<sup>th</sup>. Their Santa run is on December 24<sup>th</sup> at 6:00 pm. Newberry Township Fire Department is having bingo on December 8<sup>th</sup> at 5:00 pm. They are having their Santa run on December 15<sup>th</sup> in the evening and the 16<sup>th</sup> during daylight hours.

### **Police Department – Chief Lutz**

The Police Department handled 959 calls for the month of October. Chief Lutz stated that for the No Shave month of November eleven police officers participated and currently had raised \$4,450.00 for St. Jude's. Chief Lutz addressed Ms. Gonzalez's earlier comment on police protocol in the event of a disaster or disturbance.

### **Solicitor – James Sanders**

James Sanders submitted a report to the board.

### **Engineering –Pennoni Associates**

Bill Rudy submitted a report to the board.

### **Highway –Scott Getgen**

Scott Getgen submitted a report to the board.

### **Zoning – Jeremy Eutz**

Jeremy Eutz submitted a report to the board.

### **Sewer – Brent Zeiders**

Brent Zeiders submitted a report to the board.

### **Township Manager – Tony Miller**

Tony Miller submitted a report to the board.

### **Treasurer –Jane Deamer**

Jane Deamer submitted a report to the board.

### **Supervisor's Report**

Chairman Harkins stated he received an email from a resident asking why the township does not have a leaf sweeper and why one is not borrowed from Fairview Township. He stated there should be a discussion regarding this next year.

Sandra Gonzalez – Resident, 140 Oak Road – Stated she thinks a piece of property should be purchased for residents to bring their yard waste. Chairman Harkins stated there would be discussions regarding this in the future.

David Parsons – Resident, 200 Winding Hill Drive – Stated that Penn Waste does have a collection for yard waste and the procedure for doing it. He stated there is no need for the purchase of a property when Penn Waste provides the service included on the resident's bill. Manager Miller stated the information was correct and that the extra bags for yard waste are not counted against the regular trash.

Sandra Gonzalez – Resident, 140 Oak Road – Stated that the townships that do have a yard waste disposal site will allow residents to pick up free mulch.

## **OLD BUSINESS**

### **2024 Draft Budget, Discuss Revisions and Deficit Reductions**

Manager Miller and Treasurer Deamer went over the deficit and the revisions that were made to the budget. Chairman Harkins stated that a slight tax increase will need to be discussed.

Deb McKiernan – Resident, 15 S. Ben Hogan Drive – Asked if there was a fee that was set or charged to developers for any of the new developments to offset increase in police force, highway, etc. Supervisor Kirkpatrick replied that there is no fee to cover additional costs with new developments being built. Manager Miller stated that the real estate tax revenue is supposed to cover infrastructure.

Sandra Gonzalez- Resident, 140 Oak Road – Stated she wants to be reassured that as the township is growing the services are not going to be diminished. She wants to make sure the police department and fire department are funded appropriately. She suggested a smaller increase in taxes and possibly using the township money that is available to make up any shortages.

Jane Harman – Resident, 205 Hemlock Lane – Discussed the fire department's contributions. She would like to see the fire commission fund increased. Chairman Harkins stated that it is being discussed. Vice Chairman Shellenhamer stated that the Board is waiting for the fire departments to advise as to what their plan is.

Sandra Gonzalez – Resident, 140 Oak Road – Stated that she hopes that the money given to the fire department is monitored.

Chief Lutz stated that he has met with the fire chiefs. He was advised that all three fire departments have met to discuss potential solutions with monies that may be given to them. Chief Lutz stated he will provide that to the Board when he receives the documentation.

## **NEW BUSINESS**

### **Approve the Pillar + Aught Engagement Letter for Legal Services**

MOTION By Supervisor Kirkpatrick to approve the Pillar + Aught Engagement Letter for Legal Services, seconded by Chairman Harkins, carried unanimously.

DISCUSSION None

### **Approve the 2024 Proposal & Fee Agreement Contract from MPL Law Firm**

MOTION By Supervisor Kirkpatrick to approve the 2024 Proposal & Fee Agreement Contract from MPL Law Firm, seconded by Vice Chairman Shellenhamer. Supervisor Kauffman opposes it. Motion carries three to one.

DISCUSSION None

### **Approve the Penn Waste Contract Extension for 2024**

MOTION By Supervisor Kirkpatrick to approve the Penn Waste Contract Extension for 2024, seconded by Chairman Harkins, seconded unanimously.

DISCUSSION Manager Miller explains that the contract was for multiple years. It was pre bid and there is one year left on the contract. Chairman Harkins explains the breakdown of the increase.

Dave Parsons – Resident, 200 Winding Hill Drive – Questions if the services are the same. Manager Miller stated that it will have be bid out next year.

### **Approve Snow Removal Services for 2024**

MOTION By Chairman Harkins to approve Snow Removal Services for 2024, seconded by Supervisor Kauffman, carried unanimously.

DISCUSSION Manager Miller states that the township uses both Rehbein Services and Firewood Extractors. He reviews the cost and equipment of each.

### **Approve Release of CPNC Investments Performance Bond**

MOTION By Supervisor Kirkpatrick to approve Release of CPNC Investments Performance Bond, seconded by Supervisor Kauffman, carried unanimously.

DISCUSSION None

**Approve Rate Schedule for Fiscal Year 2024 for Pennoni Associates**

MOTION By Chairman Harkins to approve Rate Schedule for Fiscal Year 2024 for Pennoni Associates, seconded by Supervisor Kauffman, carried unanimously.

DISCUSSION None

**Resolution 2023-28 LSA Grant for Street Sweeper**

MOTION By Supervisor Kirkpatrick to approve Resolution 2023-28 LSA Grant for Street Sweeper, seconded by Supervisor Kauffman, carried unanimously.

DISCUSSION Manager Miller explains that there are three separate Resolutions that needed to be done and broken down to the exact amount.

**Resolution 2023-29 LSA Grant for Police Vehicles**

MOTION By Supervisor Kirkpatrick to approve Resolution 2023-29 LSA Grant for Police Vehicles, seconded by Supervisor Kauffman, carried unanimously.

DISCUSSION None

**Resolution 2023-30 LSA Grant for Police Equipment**

MOTION By Supervisor Kirkpatrick to approve Resolution 2023-30 LSA Grant for Police Equipment, seconded by Supervisor Kauffman, carried unanimously.

DISCUSSION None

**River Road/Shady Lane Truck Restriction Ordinance, Approve for Advertisement**

MOTION By Supervisor Kirkpatrick to approve the advertisement of River Road/Shady Lane Truck Restriction Ordinance, seconded by Supervisor Kauffman, carried unanimously.

DISCUSSION None

**Vacate Leah Drive Agreement**

MOTION By Supervisor Kirkpatrick to approve motion to Vacate Leah Drive, seconded by Supervisor Kauffman, carried unanimously.

DISCUSSION None

**Amy Ehrman, 205 Scarlet Oak Drive, Home Occupation Commercial Sewer Tap Fee and Billing**

MOTION Tabled

DISCUSSION Amy Ehrman – Resident, 205 Scarlet Oak Drive – Discussed her hair salon business that is out of her house. Two years prior she met with the Codes Enforcement Officer and questioned the process of moving her business from 2180 York Haven Road to her home. She stated that she was told she only had to apply for a special permission. She was granted the special permission from the Zoning Hearing Board. She stated at that time she was never told about a commercial sewer tap fee. She has been operating her business out of her home for a year. She stated that Codes and Zoning Officer Eutzky came to her business and advised her that she needed to pay a commercial sewer tap fee. Ms. Ehrman

reviewed the amount she was told to pay. She discussed her water bills and usage. Ms. Ehrman was given a payment plan which she does not think is reasonable.

Manager Miller reviewed all the details with Ms. Ehrman and reminded her that he had explained the Ordinance to her and given it to her in writing. Wastewater Coordinator, Brent Zeiders spoke about other businesses and how the Ordinance is followed. Mr. Zeiders stated there is a tapping fee study that is 26 pages long and was last updated in 2009. Supervisor Kauffman stated she feels the ordinance should be changed. Chairman Harkins stated he is hesitant to change the Ordinance due to the other businesses in the township. Solicitor Sanders stated that Ordinances that are in place are intended to be enforced. He suggested the topic be discussed offline and be brought up at the next meeting with a feasible arrangement. The arrangement should be detailed and written out so that it is on public record as to why it is in place. Chairman Harkin stated that it should be agreed that the topic will be discussed, and payment is on hold until a determination is made.

### PAYMENT OF BILLS

MOTION By Supervisor Kirkpatrick to pay the bills, seconded by Supervisor Kauffman, carried unanimously.

DISCUSSION None

### ADJOURNMENT

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

DISCUSSION None

Respectfully submitted,

  
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Tony Miller, Secretary

