

NEWBERRY TOWNSHIP BOARD OF SUPERVISORS

Monthly Meeting Minutes

September 26, 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 collective bargaining agreements and police 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

PUBLIC COMMENT

Julie Dibble, Newberrytown Church of God - Spoke about loss. She read a passage from Isaiah 4 Chapter 10 and then said a prayer for our first responders.

Rich McConnell, SAVVY Citizen - gave a presentation by ZOOM explaining what SAVVY is, how it works and the advantages of using it. Residents would download the app and get notifications from Newberry Township on various topics. Chairman Harkins asked if the app would cost the residents anything to download. Mr. McConnell stated there is no charge to the residents. Vice-Chairman Shellenhamer asked if the app would work on Apple and Android products. Mr. Mconnell stated yes, the app would work on either. Chairman Harkins asked if it was a yearly contract. Mr. Mconnell stated it can be monthly or yearly. Mr. McConnell stated that if the Township decided to purchase the SAVVY Citizen program that a discounted cost would be given – a 10-month price for a year.

Bob Gasswint, Redland Senior Center – Stated that the progress of taking over the church is almost complete. The Senior Board has approved all documents and is now waiting for final word from the church.

PUBLIC COMMENT CONTINUED

Doug Smith - Chief 28 – Noted that station 28 would like to entertain the possibility of purchasing one of the previously used Newberry Township police vehicles. It would be used for training firefighters, transporting or picking up drivers, fire police, maintenance use and other possibilities. He specified that it would not be used for a duty car or a chief's car. Chairman Harkins asked what would be involved. Supervisor Kirkpatrick stated that it has been done in the past, however, they need to wait to hear about the possible addition of a new police vehicle.

Sandra Gonzalez - Resident, 140 Oak Road – Commented on the K9 Program and wanted to express her condolences to the police department for the loss of Officer Zar. She stated that she received an email from the Superintendent of West Shore School District, expressing his condolences. She emphasized how much the K9 units have meant to the schools, and the community. She stated that she will give a letter which she received from Walmart regarding this topic to Chairman Harkins for review, in addition to the email from West Shore School District.

David Parsons - Resident, 200 Winding Hill Drive – Stated that during the May 23, 2023, Board of Supervisors meeting there was an item on the Agenda for Solar Ordinance discussion. Mr. Parsons asked if there were any updates on this discussion. Chairman Harkins stated that he was not aware of any new developments. Solicitor Sanders stated that they are still waiting to discuss the Ordinance drafts. He wanted to talk about updating the Ordinances for future growth. Chairman Harkins asked Solicitor Sanders how township ordinances are updated, and the process involved. Solicitor Sanders explained the lengthy and very involved process.

Susan Ostrander - Resident, 35 Rolling Hills Court – Commented on the 132 apartments that were approved for Paddletown Road and the 11 stipulations which were involved with it. Mrs. Ostrander noted that she is an alternate on the Zoning Hearing Board. She stated that the plan was looked at but due to the stipulations involved, many changes would have to be made to township ordinances.

Paul Fisher, Zoning Board - He stated that he had looked at the plans for Paddletown Road. Mr. Fisher clarified that two different plans were submitted. The first plan was initially denied and was later taken to court and awarded. Mr. Fisher stated he believes that the Zoning Hearing Board will decide to move forward with the first plan and dispose of the second plan. Solicitor Sanders stated that the second plan then becomes moot.

Dale Jackson - Resident, 155 High Street – Mr. Jackson is on the Planning Commission. He further clarified that the original plan submitted for Paddletown Road was a 15-acre development when only 13-acres were available. The first plan had 120 apartments and the plan that was approved had 132 apartments. The original parcel of land was zoned residential home and the developer had rezoned it for conservation. Mr. Jackson stated that developers cannot continue with that plan and build due to the plan being incorrect.

APPROVAL OF MINUTES

- MOTION By Supervisor Kirkpatrick to approve the minutes from August 22, 2023. Seconded by Vice-Chairman Shellenhamer, carried unanimously.
- DISCUSSION None

LAND DEVELOPMENT/ SUBDIVISION PLAN REVIEW

- MOTION By Supervisor Kirkpatrick to approve the Red Mill Crossing Development Agreement, Seconded by Vice-Chairman Shellenhamer, carried unanimously.
- DISCUSSION Solicitor Sanders addressed the Red Mill Crossing Development Agreement stating that the developer is abiding by what the township engineer has asked them to do. In addition, there are some roadway improvements that will be required of the developer before any certificates of occupancy are awarded.
- MOTION By Supervisor Kauffman to deny the request for a 90-day extension for the Pines Road Greenhouses, Seconded by Supervisor Kirkpatrick, carried unanimously.
- DISCUSSION Solicitor Sanders stated that the board does not have to give an extension for the development of Pines Road Greenhouses. Manager Miller stated that their original extension was valid until October 1st. It was noted that the developers were unable to meet with the planning commission, which is why they are asking for an extension. It was clarified that with the denial of the extension by the Board of Supervisors, the developers will have to submit a new plan to the board.
- Ben Heisey with R.J. Fisher and Associates stated that they are the engineers involved with the Pines Road plan. He stated that an extension was asked for due to prolonged discussion with DEP regarding the adequacy of the site and the fill material being used. Supervisor Kauffman responded that they had already voted to deny the extension.

REPORTS

Public Safety – Chief Lutz

Chief Lutz wanted to thank the residents, businesses and community that have sent well wishes, condolences, and gifts in the passing of Zar. Goldsboro Fire Department is having a chicken BBQ on October 1st. The Newberry Township Fire Department has bingo on September 29th. York Haven Fire Department has a corn soup sale on October 21st.

Police Department – Chief Lutz

The Police Department handled 1,017 calls for the month of August.

Saturday, September 30th at Walmart from 9-12 the police department is conducting a joint effort with the Center of Traffic Safety, WellSpan, and Safe Kids. They will be installing children's safety seats in individuals' vehicles. They will ensure that the seats are installed properly, as well as check for recalls and expiration dates.

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 Eutzy

Jeremy Eutzy 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

Nothing to discuss.

OLD BUSINESS

Fairway Drive and Sam Snead Circle Traffic Study

Chief Lutz reported that immediately after the Board of Supervisors meeting, he placed the covert speeding/tracking device on the involved roadway. The traffic study found that 85% of the vehicles traveled at 25 mph. The police also had increased patrols on the adjacent streets. The results of the Fairway Drive study showed that after 7,684 vehicles traveled the road, 10% were found to be traveling at an enforceable rate of speed. The posted speed limit is 25 mph; however, the average speed was 35 mph.

MOTION By Supervisor Kirkpatrick for Solicitor Sanders to work with the highway department to place speed limit signs in the Valley Green Developments. Seconded by Chairman Harkins, carried unanimously.

NEW BUSINESS

Discuss Donation to Fire Department for Assistance with Sewer Rescue Drill

MOTION By Vice-Chairman Shellenhamer to approve \$200 donation to fire department for assistance with sewer rescue drill, Seconded by Supervisor Kauffman, carried unanimously.

DISCUSSION Vice-Chairman Shellenhamer would like to give the fire department a \$200 donation for the training that they assisted with at the sewer plant.

Ratify Memorandum of Agreement for Article XVI of the Police Association CBA Revising Use of Sick Leave

MOTION By Chairman Harkins to approve Memorandum of Agreement for Article XVI of the Police Association CBA Revising Use of Sick Leave. Seconded by Supervisor Kauffman, carried unanimously.

DISCUSSION Chairman Harkins stated the use of sick leave is for family members, childbirth, and adoption.

Manager Miller explained there was a grievance filed related to the language given in the number of sick days that could be used. Negotiation took place to reach an amicable agreement on both sides. Manager Miller will confirm whether the memorandum is retroactive or not.

Pleasant View Road Bridge Project Construction Q2 2024 - Resolution 2023-27 Authorizing the use of General Fund Money to Approve Matching Funds of \$142,375

MOTION By Supervisor Kirkpatrick to approve Resolution 2023-27 authorizing the use of General Fund money, Seconded by Supervisor Kauffman, carried unanimously.

DISCUSSION Manager Miller stated it is a typo and should be Pleasant Drive. This is based on an estimate and needs to be placed out to bid.

Resolution 2023-22 For Approval to Invest Money Market Funds with M&T in a Treasury Ladder

MOTION By Vice Chairman Shellenhamer to approve Resolution 2023-22 for Approval to Invest Money Market Funds with M&T in a Treasury Ladder, Seconded by Chairman Harkins, carried unanimously.

DISCUSSION John Callahan from M&T Bank introduced himself and turned the presentation over to Rob Budde from M&T financial services. Mr. Budde spoke about investment strategies. Jane Deamer stated there is currently a balance in excess of 1 million dollars at Members First, and \$600,000 at M&T. There is a combined balance of 3 million dollars within the two accounts. Traditions Bank has a balance of 5 million dollars which is general fund money, recreation money, capital reserve funds, and escrow.

NEW BUSINESS CONTINUED

Approval of the 2024 Minimum Municipal Obligation for Pensions

MOTION By Supervisor Kirkpatrick for approval of the 2024 Minimum Municipal Obligation for Pensions. Seconded by Chairman Harkins, carried unanimously.

DISCUSSION Manager Miller noted that the police retirement plan obligation is \$460,828 and the obligation for the non-uniformed retirement plan is \$104,701.

Approve R.J. Hall as the Selected Pension Administrator as a Result of the RFP Process

MOTION By Chairman Harkins to Approve R.J. Hall as the Selected Pension Administrator as a Result of the RFP Process. Seconded by Vice-Chairman Shellenhamer, carried unanimously.

DISCUSSION None

MOU/Cooperation Agreement for Co-Responder, Police

MOTION By Supervisor Kirkpatrick to approve MOU/Cooperation Agreement for Co-Responder, Police. Seconded by Supervisor Kauffman, carried unanimously.

DISCUSSION Chief Lutz explained that this program is sponsored by Wellspan Philhaven. It was clarified that this service comes at no cost to the township, the only thing that the township is required to provide is a workspace and internet connection. The individual would be shared by Newberry Township, Fairview Township and Carroll Township. They respond to people in crisis and would assist the officers when needed. It is a three-year agreement; any liability is the responsibility of Philhaven.

Authorize the Treasurer to Transfer the General Municipal Pension System State Aid for 2023 in the Amount of \$297,222.30 into the Pension Plan

MOTION By Supervisor Kirkpatrick to authorize the treasurer to transfer the General Municipal Pension System State Aid for 2023 in the amount of \$297,222.30 into the Pension Plan. Seconded by Chairman Harkins, carried unanimously.

DISCUSSION None

Approve the Following Lobar Change Orders for the MESB

\$8,409 Card Access, Security Cameras, Volume Control and Speakers Rough-In

\$3,779 Stage Modifications in Room 105

\$27,430 Additional Topsoil

\$4,146 Added Manhole for Yard Drainage

\$7,390 Pave Access Road B

MOTION By Chairman Harkins to approve the following Lobar change orders for the MESB. Seconded by Vice-Chairman Shellenhamer, carried 4-1, opposed by Clair Wintermyer.

DISCUSSION Chairman Harkins broke down each amount and the specifics of the changes.

Approve Payment of Lobar Invoice 211994-9 \$463,486.05

MOTION By Chairman Harkins to approve payment of Lobar Invoice 211994-9 \$463,486.05. Seconded by Supervisor Kirkpatrick. Carried 4-1, with Supervisor Wintermeyer opposing.

DISCUSSION Chairman Harkins stated that the building is 90% complete. Chairman Harkins went over the invoice and stated that he was missing a page. It was not provided by Lobar and was overlooked when they sent it to us. Supervisor Wintermyer stated that there should be a building walk through before the bill is paid in full. Chairman Harkins agreed and noted that there is also a 10% retainage that will be out for a year.

Approve Payment of De Traglia Excavating Invoice, Sewer Extension \$156,420 (Partial)

MOTION By Supervisor Kirkpatrick to approve payment of DeTraglia Excavating Invoice, Sewer Extension \$156,420. Seconded by Supervisor Kauffman, carried unanimously.

DISCUSS Engineer Bill Rudy explained that this is for the low-pressure part of the sewer extension project. They have already started to install the gravity portion and are halfway done. This is a partial payment for the work.

K9 Program

MOTION By Supervisor Kirkpatrick to approve the purchase of a K9, Seconded by Vice-Chairman Shellenhamer, carried 4-1, with Supervisor Wintermeyer opposing.

DISCUSS Chairman Harkins stated that they had a discussion with Chief Lutz in Executive Session prior to the Board of Supervisors meeting. Chairman Harkins feels that it is in the best interest of Newberry Township to authorize the police department to purchase a new K9 at the TEAMS program's expense. Lieutenant Ditty spoke about the TEAMS organization.

PAYMENT OF BILLS

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

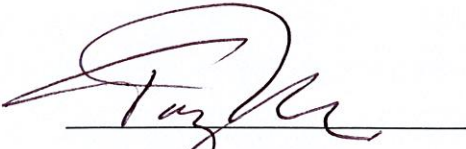
DISCUSSION None

ADJOURNMENT

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

DISCUSSION None

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Tony Miller', is written over a horizontal line.

Tony Miller, Secretary

