

NEWBERRY TOWNSHIP BOARD OF SUPERVISORS

Monthly Meeting

January 24, 2023 6:00 p.m.

Call to Order by Chairman Rob Harkins

Chairman Harkins called the regular meeting to order at 6:00 p.m. Proof of publication was available for public inspection. Chairman Harkins announced that there was an executive session held January 11, 2023 at 5:00 p.m. to discuss police and personnel matters. Another was held prior to tonight's meeting to discuss real estate matters.

Attendance

Chairman Rob Harkins

Vice-Chairman, Diane Shellenhamer (remote)

Supervisor, Dave Kirkpatrick

Supervisor, Maxine Kauffman

Township Manager, Tony Miller

Police Chief, Steve Lutz

Public Works Director, Scott Getgen

Township Comptroller, Jane Deamer

Solicitor, Doug Myers

Sewer, Brent Zeiders

Zoning Officer, Marcus Brandt

Engineer, Bill Rudy

PUBLIC COMMENTS

Julie Dibble, Newberrytown Church of God: Dibble read a passage from Isaiah Chapter forty-three, verses eighteen and nineteen. She then said a prayer for the first responders and the community.

Aaron Swartz, Resident came in to speak on his support of the new Emergency Services building. He agrees the building should be built as is and not downsized. Mr. Swartz volunteered his company who does handrails and etc. to help with the new building at no cost.

Keith Waltz, Resident will speak under New Business A

Jane Harman Resident begins by saying the community was told "no grants no building". Jane Harmon Resident states she has spent the last year questioning the cost and size of the building. She states the police make up 60% of the Township budget and it will increase once the building is built. Jane Harman Resident says after the meeting last week she was approached by a Board Member about the amount of taxes she pays. This made her feel intimidated and thought this might be a way of silencing her. This could even be an ethics violation. Jane Harman Resident, stated she has spent time talking to residents as well as business owners about getting involved. They voiced that they are here to support her but do not want to go public due to consequences. She was also approached by a current Board member and was told to be careful about what she says about the police department because she was causing low morale.

Jane Harman Resident went on to read an anonymous letter she received in the mail. The writer thanked her for her attendance at the meetings but said no matter what the Board will not listen to the citizens. The writer went on to say that the Patrolman's Association is in favor of merging with York County Regional. The anonymous individual also wrote that several police officers have been approached by the Chief or LT with promises of promotions so to keep the inner workings of the police department quiet and keep the Supervisor's from speaking with the Patrolman's Association to see what the police actually want to do. The letter write also state that the Patrolman's Association also stated that the moral of the police department was low. The letter writer also said that the new Chairman said that the police budget will be reduced by the cost of the building as well as \$30,000 thus keeping the police department under their control. The anonymous writer went on to say that the Township cannot dig their own water line in order to avoid paying prevailing wages. Per the RACP grant this cannot be done. Work cannot be subbed out.

Chairman Harkins spoke up and asked Jane Harman, resident about the mention of the \$30,000. Jane Harman, resident then responded that the letter stated that if you read the RACP grant that the work has to have prevailing wage. She also stated she had not read up on RACP grant. Chairman Harkins said that before the meeting there was a discussion with Manager Miller about the prevailing wage and he was going to verify this.

PUBLIC COMMENTS cont.

Supervisor Kauffman asked Resident Jane Harman if the person who wrote the letter did not want to be recognized. Supervisor Kauffman went on to say she did not think that Jane Harman, resident should have read the letter. Supervisor Kauffman said she thinks whoever wrote the letter should have come in and read it themselves. Jane Harman, resident said she received the letter and had every right to read it. Chairman Harkins, then went on to say that he did not doubt the letter and went on to explain that he did not expect to get \$4,000,000.00 in grants to build the building. He was not trying to hide or deceive anyone.

Jane Harman, resident went on to say that last week when she voiced her opinion about the size of the building and regionalizing the police department that she was immediately shut down.

Supervisor Kauffman, spoke up to say that none of the board members are liars.

Dave Parsons, resident says the talk of selling the sewer was brought up one year ago in January 2022. He said looking at the 2019 and 2020 audit that the sewer showed an income. He went on to speak about what would happen to the employees that are currently employed by the sewer. Dave Parsons, resident also went on to ask if the Township website has been updated with information on the purchase. Supervisor Kirkpatrick, went on to says that PFM is still researching to find out the assets etc. Dave Parsons, Resident went on to say he just wants to know are we selling. Supervisor Kauffman added that as of right now we are just fact finding. Manager Miller went on to explain that in phase I a fee was paid, phase II nothing is paid out. If the board does not sale, we do not owe PFM anything. If we do sale, we have to pay PFM a percentage of the sale price. Dave Parsons, resident asked if the current township Bond on the Administration Building was paid off. Chairman Harkins, Supervisor Kauffman, and Manager Miller confirmed it was paid off this past year. Dave Parsons, resident then asked why the Sewer Authority is being sold if it is solvent. There will be income from tapping fees. Will the Township receive any other revenue if the Sewer is sold? Dave Parsons, Residence asked if it is in the best interest of the residents to sale the Sewer. Chairman Harkins went on to explain that the sale has more to do with the past hurricane repairs. The sewer could be a future liability. A lot of things went into the thought process of exploring the sale. Supervisor Kirkpatrick stated that there will be public meetings with updates. Supervisor Kauffman spoke up and said we are doing what is in the best interest of the residents.

MINUTE APPROVAL

MOTION by Supervisor Kirkpatrick to approve the December 13, 2022, monthly meeting minutes. The motion, seconded by Supervisor Kauffman, carried unanimously.

MOTION by Supervisor Kirkpatrick to approve the January 3, 2023, Reorganization meeting minutes. The motion, seconded by Supervisor Kauffman, carried unanimously.

MOTION by Supervisor Kirkpatrick to approve the January 17, 2023 , monthly workshop meeting minutes. The motion, seconded by Supervisor Kauffman, carried unanimously.

LAND DEVELOPMENT/SUBDIVISION PLAN REVIEW

Nothing to report.

REPORTS

Public Safety – Chief Lutz

Chief Lutz reported that the Police department dealt with 10,752 incidents in 2022. 13,327 including traffic incidents. This is the highest number of incidents that the department has ever handled. 117 DUI's were issued. Early in January there were thefts to vehicles. January 31, 2023 Fraud and Scammers Prevention Focus meeting at 10:00am at the Newberry Township Fire Department. Chief Lutz went on to comment on the letter that resident Jane Harman read. He stated that he nor the Lieutenant have not promised any Officer a promotion. Promoted Officer's go through a three-part regulated process. Chief Lutz also stated that the last email that he seen from the Patrolman's association said they were not interested. Chairman Harkins said he also seen the email. Supervisor Kauffman thanked the Chief for issuing 170 warnings instead of citations. Chief Lutz stated that if you look over his reports you will see 2/3 warnings and 1/3 citations. The officers make their own decision if they are issuing a warning or if a citation is necessary. It is not dictated by the Chief or LT. Supervisor Kauffman said that since she has been on the board she has heard nothing but good honest up and up things about the Chief and the Police Department. Chairman Harkins spoke about an elderly lady he knows was headed to Walmart to purchase gift cards. In return she was to get so much money. This is an ongoing scam. Chief Lutz went over the types of scams that will be talked about. LT Ditty commented that the Fraud and scammers meeting will be at 10:00 am at the Nbfd to accommodate the elderly. Chairman Harkins and Supervisor Kauffman thanked LT Ditty. Supervisor Kirkpatrick announced that Chief Lutz and LT Ditty are now taking classes to do Traffic Studies. This will help us save money.

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- 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 and commented that Brent Zeiders has been involved in the information gathering process for the sale of the Sewer Plant.

Treasurer's Report – Jane Deamer

Jane Deamer submitted a written report to the board.

Supervisor's Report

OLD BUSINESS

Emergency Services Building. Approve Revisions and reductions to Lobar design.

- MOTION by Supervisor Kirkpatrick to approve the revisions and reductions on the EMS building, seconded by Chairman Harkins, carried unanimously.
- DISCUSSION Chairman Harkins reported that the cost being paid to Lobar has been reduced to \$598,234.00. Reductions include but not limited to furniture, metal roofing to shingle roofing, smaller parking lot, and brick . Also moving the generator from the back of the building to the maintenance closet.

Emergency Services Building. Approve Lobar to begin construction and procurement of remaining items.

- MOTION by Vice Chairman Shellenhamer to approve Lobar to begin construction and procurement of remaining items, seconded by Supervisor Kirkpatrick, carried unanimously.
- DISCUSSION Chairman Harkins said with what has been paid to Lobar it will cost \$4.87 million to finish the building and then another \$286, 697 in furniture, audio visual and the generator Total to finish is \$5,156,816. Manager Miller said we currently have \$5,831,101 in EMS funds, loans, and grants. Chairman Harkins commented that we have a surplus with what we need to finish the building. Chairman Harkins feels like we should be able to come in at that final number.
- DISCUSSION Bill Rudy, Engineer spoke about the ENS approval minor revisions that will need to be approved by Lobar. Asked if any changes to the building need to be run by building code official zoning. Chairman Harkins and Supervisor Kirkpatrick both said nothing structural . Bill Rudy stated that we may have to meet with the conservationist district one more time. Chairman Harkins then asked where we were at with the bids on the sewer line. Bill Rudy, Engineer said we can put it out for bid, but we are still waiting on grant money. Manager Miller says we cannot bid yet . what for approval from the grant people. Chairman and Bill asked how long. Manager Miller said it could be a couple months. Grant writer is non-committal. Chairman Harkins says June latest .

Approve West Shore Recreation Commission Reimbursement Policy and form.

- MOTION by Supervisor Kirkpatrick to approve the WSRC reimbursement policy, seconded by Vice Chairman Shellenhamer, carried unanimously.
- Discussion Manager Miller advised this is a revised policy. It excludes reimbursement for trips, winter break programs, school holiday workshops and kids' night out. Residents will be eligible for reimbursement of the difference between resident and non-resident with a receipt and proof of residency.
- Supervisor Kauffman explained why we are doing this instead of joining the West Shore Recreation.
- Dave Parsons, Resident asked if reimbursement could be done via mail for the working people.
- Manager Miller went on to explain why mailing in for reimbursement cannot be done.
- Jane Harman, Resident asked for clarification on the reimbursement The reimbursement is just for Newberry Township residents . Supervisor Kirkpatrick, Manager Miller, and Vice Chairman Shellenhamer replied that Goldsboro already participates, and York Haven is its own Borough .

NEW BUSINESS

Yocumtown Church of God request for sewer billing relief.

DISCUSSION Keith Walsh representing the church came in to appeal their 3rd quarter sewer bill. He explained the large amount of water usage was for irrigation purposes. They grow a garden and donate the vegetables to the community. Chairman Harkins asked about a broke irrigation line. Mr. Walsh was not sure if there is one. Chairman Harkins also donated his time to come out and put a meter at the church. Solicitor asked for clarification if Mr. Walsh was asking for water relief or just sewer.

RACP Resolution 2023-09

MOTION by Supervisor Kirkpatrick to approve the RACP Resolution seconded by Supervisor Kauffman, carried unanimously.

Approve Hiring of Abigail McQuown as Police Administrative Assistant. Rate \$19.20 per hour with an increase to \$21.20 after her 90-day probation period

MOTION by Supervisor Kauffman to hire Abigail McQuown as Police Administrative Assistant, seconded by Supervisor Kirkpatrick, carried unanimously.

Approve Market Adjustment for the Township Manager.

MOTION by Supervisor Kauffman to approve a market adjustment for the Township Manager, seconded by Chairman Harkins. carried unanimously.

DISCUSSION Chairman Harkins relayed that a salary study was done, and Manager Miller is the lowest paid Manager in the state. Supervisor Kauffman went on to say what a great job Manager Miller does. Manager Miller was promised a raise with good job performance.

Approve Signing Bonus incentive of \$5000 for one Police Academy Cadet, pending an MOU agreement with the Police Association is executed.

MOTION by Supervisor Kirkpatrick to approve a signing bonus seconded by Supervisor Kauffman, carried unanimously.

DISCUSSION Manager Miller said we have the executed MOU agreement with the Police Association. Manager Miller explained what a MOU and that it is only effective until December 31, 2023. Chief Lutz would need to select a cadet from the current academy . If a cadet is selected, he/she would have to agree to the terms of the agreement and become a full time Officer once graduated. Cadet would have to stay with the department for three years. For any reason this does not happen they will have to pay back the \$5000 incentive. Chairman Harkins asked Chief Lutz if he thought this was the only way we could be competitive. Supervisor Kauffman asked if this was common practice. Chief Lutz explained that this is the only way to secure someone in the academy. Chief Lutz continued to say that this past year when he advertised for a Police Officer he did not receive a big response. A candidate was not chosen.

NEW BUSINESS CONTINUED

DISCUSSION Jane Harman, Resident questioned the budget for 2023. Two new Officers were budgeted and then taken off. She asked how this is being justified. Supervisor Kirkpatrick commented this is a replacement. Chief Lutz added we did budget for a 19th Officer. Manager Miller continued to explain that the 19th Officer was taken out of the budget, and we had a retirement in late 2022 so this is a replacement. Jane Harman, Resident said she just wanted clarification. Jane Harman, Resident thanked the Board and Chairman Harkins thanked her

Approve Chief Lutz to recruit one Police Academy Cadet from current class ending June 2023

MOTION by Supervisor Kirkpatrick to recruit one cadet from the June 2023 class, seconded by Supervisor Kauffman, carried unanimously.

Approve Draft Fire Tax Credit Ordinance for advertisement.

MOTION by Supervisor Kirkpatrick to approve the Draft Fire Tax Credit Ordinance for advertisement, seconded by Chairman Harkins, carried unanimously.

DISCUSSION Jane Harman, resident asked what the amount is. Solicitor Myers explained that those eligible will receive up to a \$500.00 credit on their Township EIT and 100% tax credit on their Township portion of Real Estate tax. Jane Harman, Resident asked if it was just local and not county. Manager Miller, Solicitor Myers, and Supervisor Kirkpatrick all explained that the county passed their own Fire Tax Credit. Jane Harman Resident asked if there is more than one family member in a household that volunteers will they get two credits. Solicitor Myers explained yes on the EIT and no on Real Estate.

Steve Toomey, Resident asked does this apply to township residents who volunteer outside of the Township. He said Strinestown is the first one seen with incidents on Cragmoor. Supervisor Kirkpatrick explained that the tax credit is for those that serve Newberry Township. Strinestown comes in as mutual aid. Vice Chairman Shellenhamer added that if a Fire Fighter lives in Newberry Township but volunteers outside of the township, they will get a tax break. Solicitor James Sanders is looking into this for her.

Solicitor Myers added he will follow up with Solicitor James Sanders. He also said that it is the Board's decision to make it as broad as they would like. What the Board has decided on is typical but does not have to be restricted to just the Township.

Supervisor Kauffman asked if the Fire Fighters get the paperwork from their Chief. Solicitor Myers advised yes and then it is passed onto the tax collector. Supervisor Kirkpatrick went on to explain the process in which it will determine if a Fire Fighter qualifies with enough volunteer hours Points system, etc.

Solicitor Myers also added the Board is just authorizing an adoption for this advertisement for next month.

Approve repeal and replacement of Ordinance No. 422 Stormwater Management.

MOTION by Supervisor Kirkpatrick to approve repeal and replacement of Ordinance 422, seconded by Supervisor Kauffman to make this an advertisement, carried unanimously.

DISCUSSION Bill Rudy, Engineer said there are two discrepancies that need addressed concerning the violation fine as well as the difference between minor and major land disturbance.

Steve Toomey, Resident asked if this was an advertisement. Supervisor Kauffman said we have to advertise to pass the motion.

Manager Miller went on to explained to resident Toomey that this is a repeal and replacement.

NEW BUSINESS CONTINUED

Supervisor Kauffman asked Solicitor Myers if it was ok for Resident Toomey to see the Ordinance before it was passed. Supervisor Kauffman then offered the ordinance to Resident Toomey.

Chairman Harkins then asked if we need to wait and speak with James Sanders. Manager Miller said if they would like to table it until next month because of the language that was fine.

MOTION by Supervisor Kirkpatrick to advertise the repeal and replacement of Ordinance 422, seconded by Supervisor Kauffman

Paddletown St. Paul's United Methodist Church 150th anniversary.

MOTION by Supervisor Kirkpatrick to approve a citation for the 150th anniversary of Paddletown St. Paul's Methodist Church, seconded by Supervisor Kauffman, carried unanimously.

DISCUSSION Manager Miller explained that the Paddletown St. Pauls UMC will be celebrating 150 years on February 5, 2023. The BOS would like to issue them a Citation . Manager Miller went on to read what the citation will say.

Appointment for vacant Auditor Position.

MOTION by Vice Chairman Shellenhamer to appoint Nevin Shenck for the vacant Auditor position, seconded by Supervisor Kauffman, carried unanimously.

DISCUSSION Chairman Harkins, Nevin Shenck will replace Jay Nolt who moved out of the Township.

PAYMENT OF BILLS

MOTION by Supervisor Kirkpatrick to pay the bills. The motion, seconded by Chairman Harkins, carried unanimously.

Adjournment

MOTION by Supervisor Kirkpatrick, to adjourn the January 24th, 2023 monthly meeting. The motion, seconded by Vice Chairman Shellenhamer, carried unanimously. Meeting adjourned.

Respectfully Submitted,



Tony Miller, Secretary