

NEWBERRY TOWNSHIP BOARD OF SUPERVISORS

Monthly Meeting Minutes

October 22, 2024 @ 6:00 pm

Call to order by Chairman Harkins at 6:00 pm

An Executive Session was held tonight at 5:30 to discuss Police personnel issues

Attendance

Chairman, Rob Harkins
Vice-Chairman, Diane Shellenhamer
Supervisor, Dave Kirkpatrick
Supervisor, Aaron Schwartz
Township Manager, Tony Miller
Engineer, Bill Rudy
Public Works Director, Scott Getgen
Sewer, Brent Zeiders
Police Chief, Steve Lutz
Codes and Zoning, Jeremy Eutzy

PUBLIC COMMENT

Dave Cantrell – Said a prayer asking for guidance to decide the matters that are placed before the Board.

Dan Almoney – Running to be the new Democrate State Representative – Discussed his plans and priorities if elected.

Marc Anderson – Discussed his past and what lead him to the decision to run as a State Representative. Discussed the importance of conducting himself with honor and if elected stating to have a functioning republic without honorable people.

Manager Miller read a thank you postcard from Redland Patriots Football Camp written by Dr. Cox for the donation that was given.

Bob Gasswint – Red Land Senior Center – Spoke about they are in the process of trying to acquire ownership of the Wyndamere Church which is where the Senior Center is located. Mr. Gasswint stated the Center is growing with 100 new members with an average of 80 meals a day being served.

Joe Stafford – Resident, 40 Sarah Drive – Commented on two topics both related to zoning. Mr. Stafford did some research and stated his opinion on his findings regarding the development of Church Road.

Jean Funk – Resident, 170 Winding Hill Drive – Stated the developers have no vision for the housing development.

Rob Lane – Resident, 345 Church Road - Chairperson for the Newberrytown Neighborhood Alliance. – Stated why he is against the development on Church Road. Mr. Lane stated the project does not meet township regulations and the placement of the project is not safe for the community.

Josh Grove – Resident, 385 Church Road – Stated the community is not against housing. Mr. Grove stated the residents are against the number of apartments. He asked that the Board follow the recommendations of the Planning Committee.

Rick Fink – Resident, 465 Miller Road – Asked Chairman Harkins if he was a contractor in the township. Chairman Harkins stated he is a contractor. Mr. Fink stated he feels it is a conflict of interest for Chairman Harkins to vote on the development and that he should resign from voting. Chairman Harkins stated he has no affiliation with the project.

Tom Adams – Resident, 1610 Valley Road – Spoke about the projects that have been disapproved.

Maxine Kauffman – Resident, 540 Paddletown Road – Stated a correction regarding the ambulance service.

Brett Meyers – Resident, 691 Yorktown Road, General Manager at the Horn Pub - Requested more traffic safety at the establishment due to a fatality. Mr. Meyers asked what the options are for safety. Manager Miller addressed Mr. Meyers stating what he had researched. PennDOT stated to Manager Miller that a crosswalk would be considered a midblock in that location and is rarely approved. He did suggest the possibility of a pedestrian sign. An email from Manager Miller would be required if the Board approves it. PennDOT would review the situation and make a decision. Chairman Harkins stated that the Engineer can determine how much lighting would be permitted at the location.

Dave Parsons – Resident, 200 Winding Hill Drive – Discussed the Planning Commissions determination of Church Road project.

John Elliot – Attorney representing Rob Lane – Highlighted a few of the legal objections that were presented in a letter from Rob Lane at the last meeting.

Dave Miller – Resident, 80 Harvest Drive – Stated that the Planning Commission and the Zoning Hearing Board voted no to this plan. Mr. Miller stated they are there to make recommendations for the Board of Supervisors and asked that they consider that.

Jane Harman – Resident, 205 Hemlock Lane – Stated there were several line items that were left blank on the 2025 draft budget. At the next Workshop meeting she would like to review what can be cut to help curve the deficit so that taxes will not be increased. Ms. Harman requested a roll-call vote on Zenith Construction. Manager Miller stated the Workshop Meeting has been rescheduled for November 6th due to election day. The change was advertised.

Gloria Weaver – Resident, 3660 Old Trail Road – Stated her concern for children that would be crossing the street and their safety if the Zenith Construction project is approved.

APPROVAL OF MINUTES

MOTION By Vice Chairman Shellenhamer to approve the minutes from September 24, 2024, seconded by Supervisor Kirkpatrick, carried unanimously.

DISCUSSION None

MOTION By Vice Chairman Shellenhamer to approve the workshop minutes from October 8, 2024, seconded by Supervisor Schwartz, carried unanimously.

DISCUSSION None

LAND DEVELOPMENT/ SUBDIVISION PLAN REVIEW

Zenith Construction: Church Road Apartments

Elliot Shibley – Integrated Consulting (the plan preparer for the Zenith project) – Stated that since the last meeting there have been minor updates to the plan, and a new review letter issued by Pennoni. In the review letter there are no technical comments remaining and all items are either post approval or outside agency. Mr. Shibley stated they are seeking action on the plan for the three waivers that are being requested and the preliminary final plan. Part of the submission they would be requesting an Ordinance adoption for the 30 mph of Church Road and the posted signage would be included in their plans.

Helen Gemmill, Attorney from McNees Wallace & Nurick – Addressed the waivers and disagreed with Attorney Elliott with the request that there be a hardship. Under PA law hardship is not required in a waivers property where a development offers a substantial equivalent to a subdivision requirement or a land use requirement and where an additional requirement would offer little or no benefit. Ms. Gemmill handed the Solicitor, James Sanders, documents to be included with their submission – a letter from the township responding to their right-to-know request and their spreadsheet of when waivers had previously been granted.

MOTION By Chairman Harkins to approve the waiver request on the preliminary plan submission. Manager Miller asked each Supervisor for a roll call vote. Chairman Harkins voted Aye, Vice Chairman Shellenhamer voted Nay, Supervisor Kirkpatrick voted Aye, Supervisor Wintermyer voted Nay and Supervisor Schwartz voted Nay, motion failed.

DISCUSSION None

MOTION By Chairman Harkins to approve the waiver request to Section 344-42B Subsection 5B for only permitting grading in conjunction with the siting of a single-family home. Chairman Harkins voted Aye, Vice Chairman Shellenhamer voted Nay, Supervisor Kirkpatrick voted Aye, Supervisor Wintermyer voted Nay and Supervisor Schwartz voted Nay, motion failed.

DISCUSSION None

MOTION By Chairman Harkins to approve the waiver request for Section 344-31 Subsection D4. Chairman Harkins voted Aye, Vice Chairman Shellenhamer voted Nay, Supervisor Kirkpatrick voted Aye, Supervisor Wintermyer voted Nay, Supervisor Schwartz voted Nay, motion failed.

DISCUSSION None.

MOTION By Chairman Harkins to approve the land development plan for Zenith Construction, Church Road. Chairman Harkins voted Aye, Vice Chairman Shellenhamer voted Nay, Supervisor Kirkpatrick voted Aye, Supervisor Wintermyer voted Nay, Supervisor Schwartz voted Nay, motion failed, plan denied.

DISCUSSION Solicitor Sanders asked Chairman Harkins if there is a condition being placed or an approval or denial. He stated the motion on the table is the approval of the plan in total. Chairman Harkins made a motion to approve the plan with the conditions that the short section of Church Road is closed and a playground area is added to the complex for children. Solicitor Sanders cautioned the Board on requesting offsite improvements. He suggested the Board condition the plan upon the letter put forth by Engineer, Bill Rudy, and the conditions he placed on the letter. If the conditions are for off-site improvements that would be new requests coming from the Board. Chairman Harkins rescinded his motion for conditions.

REPORTS

Public Safety – Chief Lutz

Chief Lutz reminded the public that trick or treat is approaching. He stated it is the busiest night of the year with pedestrian traffic. He asked the public to be alert and slow down when driving, especially in non-lighted areas and developments. Chief Lutz urged parents to place something reflective on the costume or to carry glow sticks. Newberrytown

Fire has bingo on October 25th, November 8th and November 22nd. Goldsboro Fire Department has bingo on November 1st. York Haven Fire Department has a chicken corn soup on November 2nd.

Police Department – Chief Lutz

The Police Department handled 1,024 calls for the month of September.

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

Vice Chairman Shellenhamer stated that there will be a dedication on Veterans Day, November 11th at noon. There will be an hour of speakers. Taps will be played and a gun salute. On November 27th there will be a Christmas holiday event held when the tree will be strung with lights. The event will take place between 5 and 8 p.m. The Fire Department has agreed to sell chicken corn soup as a fundraiser.

OLD BUSINESS

None

NEW BUSINESS

Approve Advertisement of Blue Ridge Franchise Agreement, Ordinance 430

MOTION By Vice Chairman Shellenhamer to approve advertisement of Blue Ridge Franchise Agreement, seconded by Supervisor Schwartz, carried unanimously.

DISCUSSION None

Approve Comcast Franchise Agreement, Ordinance 429

MOTION By Vice Chairman Shellenhamer to approve Comcast Franchise Agreement, seconded by Supervisor Schwartz, carried unanimously.

DISCUSSION None

Approve 2025 Fee Agreement with MPL Law Firm

MOTION By Vice Chairman Shellenhamer to approve 2025 Fee Agreement with MPL Law Firm, seconded by Supervisor Schwartz, carried unanimously.

DISCUSSION None

Approve Pillar+Aught Engagement Letter

MOTION By Vice Chairman Shellenhamer to approve Pillar+Aught Engage Letter, seconded by Supervisor Schwartz, carried unanimously.

DISCUSSION None

Approve The Woods Phases 3 (\$25,296) and 4 (\$108,552.75) Bond Reduction Request

MOTION By Supervisor Kirkpatrick to approve The Woods Phase (\$25,296) and 4 (\$108,552.75) Bond Reduction Request, seconded by Vice Chairman Shellenhamer. Supervisor Wintermyer voted Nay, motion carries.

DISCUSSION Supervisor Wintermyer questioned the Engineer, Bill Rudy, where Phases 3 and 4 are located. Engineer, Bill Rudy, explained the locations. Supervisor Wintermyer concern is the construction gate is still opened, and the water run off has not been fixed. Engineer, Bill Rudy, stated he was not made aware of any problems and is confident that there is money left to correct any issues that need fixed.

Discuss Paid Driver for Fire Protection

DISCUSSION Vice Chairman Shellenhamer stated several qualified fire truck drivers will be hired as paid employees to help the three fire departments. She stated a lot of volunteers for the fire departments work during the day. It is a struggle to have an individual from the fire department available to drive the fire trucks. Eight to ten part-time drivers will be hired to support the fire department's need. Supervisor Kirkpatrick stated Dauphin County and Wellsville use this service. It is expected to have someone by March or April once the application process and training is completed.

Maxine Kauffman – Resident, 540 Paddletown Road – Stated years ago there was a paid driver used during the day. Ms. Kauffman stated having the ambulance does not cost anything. She feels that it is a good thing for the community.

Mark Sanders, Fire Chief – Stated there are fire fighters that are not capable of driving the equipment or do not want to drive the equipment. It is possible that there could be several fire fighters at the station and not to have a driver. Mark Sanders explained how the process would work.

Jane Harman – Resident, 205 Hemlock Lane – Questioned if it was all three fire departments that would benefit. Mark Sanders reviewed and explained how the process would work. Ms. Harman asked if the driver is a paid employee and if there was an accident while operating the equipment, if it is a liability for the township. The treasurer, Jane Deamer, stated that the township's insurance company would be contacted and how it would be handled with the drivers responding to calls.

Approve 2025 York County SPCA Contract

MOTION By Vice Chairman Shellenhamer to approve 2025 York County SPCA Contract, seconded by Supervisor Schwartz, carried unanimously.

DISCUSSION Jane Harman – Resident, 205 Hemlock Lane – questioned the contract and what they do for the township. Manager Miller went over the contract and the items that are included.

Approve Police Association to Purchase Sgt. Farren's Firearm

MOTION By Supervisor Kirkpatrick to approve Police Association to purchase Sgt. Farren's firearm, seconded by Supervisor Schwartz, carried unanimously.

DISCUSSION None

Approve to Advertise Zoning Ordinance Change for Political Signs to 8 Weeks Prior to Election Day Chapter 380, Attachment 4

MOTION By Supervisor Kirkpatrick to approve to advertise Zoning Ordinance change for political signs to 8 weeks prior to election day, seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION None

Approve 2025 Propane Bid, Rhoads Energy, \$1.09 Per Gallon

MOTION By Supervisor Kirkpatrick to approve propane bid, Rhoads Energy for \$1.09 per gallon, seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION None

Approve Resolution 2024-35 Adopting the Revised Right-To-Know Policy and New Right-To-Know Request Form

MOTION By Supervisor Kirkpatrick to approve Resolution 2024-35 adopting the revised Right-To-Know policy and new Right-To-Know request form, seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION Solicitor, James Sanders, explained the changes that were made to the form.

Approve Employment Agreement of Asst. Manager, Jamal Abodalo Effective November 4th

MOTION By Supervisor Kirkpatrick to approve employment agreement of Asst. Manager, Jamal Abodalo effective November 4th, seconded by Supervisor Schwartz, carried unanimously.

DISCUSSION Manager Miller explained that Jamal Abodalo will be Assistant Manager until he retires.

PAYMENT OF BILLS

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

DISCUSSION None

ADJOURNMENT

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

DISCUSSION None

Respectfully submitted,



Tony Miller, Secretary

