

Newberry Township Board of Supervisors October 28, 2025

Meeting Minutes

CALL TO ORDER AT 6:00 PM

The meeting was called to order.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was conducted.

ANNOUNCEMENTS

It was announced that the Board of Supervisors held an executive session prior to the meeting where they discussed some legal issues.

PUBLIC COMMENTS

Tony Miller of 115 Saint Andrews Way began by acknowledging National First Responders Day and thanking police, firefighters, and EMS technicians for their service. He then spoke about the upcoming election, stating that he, Jane, and Mario were running for leadership positions in Newberry Township. Mr. Miller described their platform as focused on transparency, truthfulness, following the law, responsible spending of tax dollars, and being responsive to residents.

Mr. Miller proceeded to address what he characterized as false claims being circulated about him in a "smear campaign." He specifically refuted allegations regarding a \$2 million Grant, stating that the township was awarded the Grant in November 2022, and after two years of work, they received the official Grant agreement on October 24, 2024. He explained that they had been assured by the grant writer that the KPN bidding process would be accepted but later learned it was not.

Mr. Miller also addressed claims about receiving a large payout, stating this had been debunked by the previous Chairman and Manager, and that it was per the handbook policy approved by Maxine Kaufman. He explained he had previously submitted a retirement date of December 29, 2023, but the Board majority had requested he remain for an additional year. Mr. Miller noted he had provided his final retirement date by email in July 2024, which the Board approved.

Mr. Miller concluded by referencing a new allegation that he had embezzled from the Commonwealth of Pennsylvania while employed by the Department of Corrections, which he strongly denied, stating that would have been a felony with a public record, and no evidence had been produced.

Bob Gasswint from Redlands Senior Center provided an update on the senior center, reporting they were approaching closing at the end of the week or beginning of the next week. He indicated contractors would begin necessary interior work following closing. Mr. Gasswint reported the center currently had 684 members with 619 active participants, representing a 90% participation rate. Supervisor Harkins briefly interjected to apologize for missing a previous meeting with Mr. Gasswint and offered to reschedule and look at a door issue.

David Parsons of 200 Winding Hill Drive expressed appreciation for the work done on the township budget by department heads and supervisors. He praised the quality of township employees, noting they were working with outdated equipment. Mr. Parsons specifically commended the explanation provided at the beginning of each budget category and the 5-year dedicated capital funding plan on pages 55-58 of the budget.

Mr. Parsons pointed out that the budget presentation of salaries for the manager, controller, and office assistant was confusing, as their salaries were split between pages 17 and 41 of the budget, with portions allocated to sewer department work. He suggested adding a note indicating the total annual salary for transparency. Manager Schwartz responded that while they couldn't modify the budget document directly, they could provide better explanations during budget presentations.

Mr. Parsons also inquired about the \$40,000 annual allocation to the fire department, asking how this amount was determined. Supervisor Kirkpatrick explained this funding formula was established several years ago based on call volume. Mr. Parsons suggested increasing the allocation to \$75,000, noting the fire department couldn't rely solely on fundraisers like bingo. Manager Schwartz offered to meet with Mr. Parsons to discuss budget line items further.

Jane Harman of 205 Hemlock Lane addressed confusion about the \$2 million Grant situation. She presented her understanding of the history, stating that the current Board of Supervisors had spent \$1.2 million on the building project before any Grant was awarded. She noted the township had initially applied for a \$40 million Grant but was awarded only \$2 million, which was subsequently reduced to \$1.76 million after a 12% fee was paid to grant writers. Ms. Harman emphasized that the grant writers had been paid promptly and argued that Mr. Miller should not be blamed for the situation. She noted that the township had replaced their original grant writer, who charged \$5,000, with a more expensive one at \$7,000 per month, who was supposed to be better equipped to secure funding. Manager Schwartz clarified that the township's current grant writers, acquired over a year ago, were very thorough and different from those previously involved.

APPROVAL OF THE MINUTES

Approval of the meeting minutes for September 23, 2025

Vice Chair Shellenhamer called for a motion to approve the meeting minutes from September 23, 2025.

Motion made by Supervisor Kirkpatrick to approve the meeting minutes for September 23, 2025.

Seconded by Supervisor Harkins. Motion carried unanimously.

Approval of the workshop meeting minutes for October 15, 2025

Vice Chair Shellenhamer called for a motion to approve the workshop meeting minutes from October 15, 2025.

Motion made by Supervisor Harkins to approve the workshop meeting minutes from October 15, 2025.

Seconded by Supervisor Gonzalez. Motion carried unanimously.

LAND DEVELOPMENT & SUBDIVISION PLAN REVIEW

Lesnak/Strickhouser 10 Markley Dr & 229 Cragmoor Rd final subdivision plan

Lane Clark from Gordon L. Brown and Associates presented the subdivision plan for Jerry and Sherry Lesnick at 10 Markley Drive. Mr. Clark explained that the purpose of the plan was to address encroachments where the Lesnick's had placed sheds, a decorative pond, retaining wall, and fencing on Strickhauser's property. The plan would transfer approximately one-third of an acre from Strickhauser to Lesnick to resolve these encroachments.

Engineer Bill Rudy noted there was one waiver request for a site context map.

Motion made by Supervisor Kirkpatrick to grant the waiver for the site context map. Seconded by Supervisor Harkins. Motion carried unanimously.

Motion made by Supervisor Kirkpatrick to approve the subdivision with the condition of the engineer's approval. Seconded by Supervisor Harkins. Motion carried unanimously.

REPORTS

Public Safety

Chief Lutz began his report by informing the public that York Haven Fire Department would be having a corn soup sale on November 8 at noon at their fire station.

For the police department report, Chief Lutz stated that in September, the department handled 1,040 calls. These included 1 robbery, 1 burglary, 8 thefts, 1 motor vehicle theft, 2 drug offenses, 5 DUIs, 4 simple assaults, and 17 all other offenses. The department also responded to 100 walk-in calls, including 14 domestics and 16 traffic accidents. Officers issued 63 traffic citations, 118 warnings, 16 non-traffic citations, and made 22 misdemeanor and/or felony criminal arrests.

Chief Lutz provided safety tips for the upcoming Halloween trick-or-treating. He advised homeowners to ensure clear pathways to their doors, turn on exterior lights, report suspicious activity to 911, and avoid giving unwrapped treats to children. For motorists, he emphasized driving with extreme caution in residential neighborhoods, as excited children in costumes might dart into traffic unpredictably. For parents, he recommended instructing children not to enter homes, accept rides from strangers, or approach occupied vehicles.

Vice Chair Shellenhamer noted that despite some discussion about changing the Halloween date due to potential rain, it would remain on Thursday night due to the coordination required with police preparations for Goldsboro, York Haven, and Newberry Township.

Manager

Manager Schwartz raised the issue of data centers, noting their increasing appearance in news reports. He recommended that the township develop an Ordinance to regulate data centers, explaining that without such an Ordinance, the township would be subject to developers' terms if they attempted to establish facilities in Newberry Township.

Manager Schwartz indicated he had started preparing a presentation and draft Ordinance but emphasized that this would not be accomplished in a single meeting and would require public comment. He suggested considering a special meeting dedicated to this topic rather than including it in a budget workshop, to avoid diverting attention from budget discussions.

Supervisor Harkins supported this initiative but expressed concern that previous Ordinance discussions had not resulted in passage. He suggested including solar Ordinance discussions, noting that both would require similar overlay provisions. Manager Schwartz agreed that the solar Ordinance primarily needed an overlay that would be similar to what a data center ordinance would require. He also agreed with Supervisor Harkins that the data center issue warranted its own meeting rather than being combined with other Ordinance topics like short-term rentals.

All other reports had nothing to add.

OLD BUSINESS

Acceptance of Resignation – Chairman of the Board

Vice Chair Shellenhamer noted that Dave Kirkpatrick had stepped down as Chairman of the Board of Supervisors as of September 23, 2025, and called for a motion to accept his resignation.

Motion made by Supervisor Harkins to accept Dave Kirkpatrick's resignation as Chairman of the Board of Supervisors dated September 23, 2025. Seconded by Vice Chair Shellenhamer. Motion carried unanimously.

Election of new Chairman of the Board

Vice Chair Shellenhamer called for nominations for a new Chairman of the Board of Supervisors, effective immediately.

Motion made by Supervisor Harkins to nominate Vice Chairman Shellenhamer as Chairman of the Board of Supervisors. Seconded by Supervisor Gonzalez. Motion carried unanimously.

Following her election as Chairman, Shellenhamer thanked the Board for their trust. The Board then discussed the need for a Vice Chairman position. Solicitor Sanders advised that while not legally required, having a Vice Chairman was advisable to ensure someone could preside in the Chair's absence.

Motion made by Supervisor Gonzalez to nominate Supervisor Harkins as Vice Chairman of the Board of Supervisors. Seconded by Chairman Shellenhamer. Motion carried unanimously.

NEW BUSINESS

Motion to approve the Settlement Agreement between John Snyder and Newberry Township

Prior to discussing this item, Vice Chairman Harkins requested to move item 8i (hiring of a full-time Police Officer) higher in the agenda, but the Board proceeded with the settlement agreement discussion first.

Motion made by Vice Chairman Harkins to approve the settlement agreement between John Snyder and Newberry Township resolving York County case 2023-SU-1615 and federal case 1:24-cv-1188. Seconded by Supervisor Kirkpatrick. Motion carried unanimously.

During discussion, Solicitor Sanders provided background information on the settlement. He explained that the dispute arose from an audit of the township's pension plan between retired employee former Chief Snyder and the township. The disagreement concerned how much would be included in the pension payment. Legal action was initiated in state court and subsequently moved to federal court. After discovery, the township entered mediation to minimize ongoing legal costs, resulting in the settlement agreement being presented for approval.

When asked about the settlement amount, Solicitor Sanders stated that they were unable to discuss the amount as the settlement agreement was still subject to attorney-client privilege. He noted that if approved, the agreement would be available through a Right to Know request.

Motion to approve hiring of a full-time Police Officer

At this point, the Board moved to agenda item 8i as requested earlier.

Motion made by Vice Chairman Harkins to approve hiring a full-time police officer for the Newberry Township Police Department, effective upon completion of all pre-employment requirements, with the candidate's name to be announced at the time of formal appointment. Seconded by Supervisor Kirkpatrick. Motion carried unanimously.

Following the vote, Roy Sierna introduced himself to the Board. He stated that he was from New York City but grew up in Dauphin County. Mr. Sierna expressed his long-standing desire to be a police officer and his excitement to serve in Newberry Township. He specifically cited the quality of the command staff, who had taught him in the academy, as a key reason for wanting to work there. Board members welcomed him to the department.

Authorization to Advertise

Motion made by Vice Chairman Harkins to authorize the Township Manager/Secretary to advertise the proposed Ordinance entitled Act 49 Service-Credit Purchase Ordinance, amending the Police Pension Plan to allow eligible full-time police officers to purchase prior full-time police service credit pursuant to Act 49 of 2024. Seconded by Supervisor Kirkpatrick. Motion carried unanimously.

The advertisement will state that the Board will consider the Ordinance for adoption at its regular meeting scheduled for Tuesday, November 25, 2025, at 6:00 pm.

Approve 2026 YCSCPA Animal Care & Housing Agreement

Motion made by Vice Chairman Harkins to approve the 2026 YCSCPA Animal Care & Housing Agreement. Seconded by Supervisor Kirkpatrick. Motion carried unanimously.

Motion to approve May 2nd Spring Festival at Shelley Park

Motion made by Supervisor Kirkpatrick to approve the May 2nd Spring Festival at Shelley Park with a rain date of May 3rd. Seconded by Vice Chairman Harkins. Motion carried unanimously.

Motion to approve Sharon Borger to the Events Committee

Motion made by Supervisor Kirkpatrick to approve Sharon Borger to the Events Committee. Seconded by Vice Chairman Harkins. Motion carried unanimously.

Chairman Shellenhamer noted that Sharon Borger comes from the Newberry Township Fire Department and would be a great asset in helping with community connections.

Motion to approve Diane Shellenhamer to the Events Committee

Motion made by Supervisor Gonzalez to approve Diane Shellenhamer to the Events Committee. Seconded by Vice Chairman Harkins. Motion carried unanimously.

Chairman Shellenhamer expressed surprise at this item, stating she thought she was already on the committee.

Ratification – UV Disinfection System Upgrade Pricing Adjustment

Motion made by Supervisor Kirkpatrick to ratify the updated COSTARS quote from PSI Process for the Township Sewer UV Disinfection System Upgrade in the amount of \$365,085, reflecting current market pricing and material cost. This replaces the previously approved amount of \$348,500 (June 2025 BOS meeting). Seconded by Supervisor Gonzalez. Motion carried unanimously.

Manager Schwartz explained that while the Board had previously approved the purchase, they had delayed proceeding until they received necessary permits from DEP. He noted that DEP had been slow in providing permits, but they now believed the permits would be forthcoming soon. Given the long lead time for equipment, they wanted to initiate the order, but the price had increased in the interim.

Authorization for Township Manager to approve Benecon insurance design plan change

At the request of Manager Schwartz, this item was tabled. Manager Schwartz explained they had received an email the previous evening indicating a change in how deductibles would be handled. Originally, there was a \$250 difference between single and family coverage deductibles, but now the requirement would be that family deductibles must be double the single amount. Manager Schwartz indicated they needed verification on these details before presenting for approval.

Motion made by Supervisor Kirkpatrick to table the authorization for Township Manager to approve Benecon insurance design plan change to increase deductible by \$250.00 for non-union employees. Seconded by Supervisor Gonzalez. Motion carried unanimously.

Motion to authorize the Township Manager to proceed with the hiring of an additional Sewer Department Laborer

Motion made by Supervisor Kirkpatrick to authorize the Township Manager to proceed with the hiring of an additional Sewer Department Laborer to replace the upcoming retirement effective at the beginning of the year. Seconded by Vice Chairman Harkins. Motion carried unanimously.

Motion to approve Resolution No. 2025-36

Motion made by Supervisor Kirkpatrick to approve Resolution No. 2025-36 to extend the term of the amended and restated Intergovernmental Cooperation Agreement for the Implementation of the York County Regional Chesapeake Bay Pollutant Reduction Plan. Seconded by Supervisor Gonzalez. Motion carried unanimously.

During discussion, Manager Schwartz explained that the township had been part of this plan since approximately 2018 and had already invested significant funds (about \$100,000 per year). He noted there would be no additional fees to extend the agreement, and the township could withdraw at any time if desired, though there was little reason to do so since they had already paid their dues.

Engineer Bill Rudy further explained that townships are required to have a pollutant reduction plan, and this represented a regional consortium of York County townships that had collaborated on a joint plan.

Motion to approve Amendment to the Amended and Restated Intergovernmental Cooperation Agreement

Motion made by Vice Chairman Harkins to approve the Amendment to the Amended and Restated Intergovernmental Cooperation Agreement for the Implementation of the York County Regional Chesapeake Bay Pollutant Reduction Plan. Seconded by Supervisor Kirkpatrick. Motion carried unanimously.

Motion to approve Resolution No. 2025-37

Motion made by Supervisor Kirkpatrick to approve Resolution No. 2025-37 authorizing submission of a Grant application to the Bureau of Justice Assistance for up to \$48,000 to expand the Police Department's body-worn camera program, with a 50% local match. Seconded by Vice Chairman Harkins. Motion carried unanimously.

Motion to approve Resolution No. 2025-38

Motion made by Supervisor Kirkpatrick to approve Resolution No. 2025-38 adopting Procurement & Purchasing Policy. Seconded by Vice Chairman Harkins. Motion carried unanimously.

Manager Schwartz explained that while completing the police body camera Grant application, he discovered the township needed a formal procurement and purchasing policy. He developed this policy to establish spending thresholds and authorization levels for department heads and the manager, along with forms to document purchases and maintain records. Both Manager Schwartz and Chairman Shellenhamer acknowledged this was a policy the township should have had in place previously.

Motion to approve Erik Shingle to the Planning Commission

Motion made by Supervisor Gonzalez to approve Erik Shingle to the Planning Commission with term end date December 31, 2028. Seconded by Supervisor Kirkpatrick. Motion carried unanimously.

Manager Schwartz noted that Mr. Shingle had only been notified the previous day about being on the agenda, which likely explained his absence from the meeting.

Motion to approve Fee Agreement with Pillar + Aught

Motion made by Vice Chairman Harkins to approve the Fee Agreement with Pillar + Aught. Seconded by Supervisor Kirkpatrick. Motion carried unanimously.

Motion to approve Fee Agreement with Pennoni Associates, Inc.

Motion made by Supervisor Kirkpatrick to approve the Fee Agreement with Pennoni Associates, Inc. Seconded by Vice Chairman Harkins. Motion carried unanimously.

Motion to approve Fee Agreement with MPL Law Firm

Motion made by Vice Chairman Harkins to approve the Fee Agreement with MPL Law Firm. Seconded by Supervisor Kirkpatrick. Motion carried unanimously.

After voting on all three fee agreements, Manager Schwartz explained that Pillar + Aught would maintain their 2025 rates with no increase for 2026, while MPL and Pennoni would implement nominal increases of 3-5% depending on the service category.

PAYMENT OF BILLS

Motion made by Supervisor Kirkpatrick to pay the bills. Seconded by Vice Chairman Harkins. Motion carried unanimously.

ADJOURNMENT

Before adjourning, Supervisor Kirkpatrick commented on the information displayed on the television screens in the meeting room, thanking Manager Schwartz for putting it together. He noted the screens provided helpful context for audience members about items being discussed by the Board, improving transparency.

Motion made by Supervisor Kirkpatrick to adjourn the meeting. Seconded by Vice Chairman Harkins. Motion carried unanimously.

Respectfully Submitted,



Aaron Schwartz, Secretary

