

**NEWBERRY TOWNSHIP BOARD OF SUPERVISORS**  
**MEETING MINUTES**  
**August 22, 2023, @ 6:00 pm**

**Call to Order by Chairman Rob Harkins at 6:02 p.m.**

Executive Session was held tonight at 5:30 pm to discuss personnel issues and revisions to the pension plans.

Executive Session was held on August 15 at 5:00 pm to discuss personnel issues related to the pension plans and collective bargaining agreements with both the Police Association and the Teamsters.

**Attendance**

Chairman Rob Harkins  
Vice-Chairman, Diane Shellenhamer  
Supervisor, Clair Wintermyer  
Supervisor, Maxine Kauffman  
Township Manager, Tony Miller  
Solicitor, James Sanders  
Engineer, Bill Rudy  
Public Works Director, Scott Getgen  
Sewer, Brent Zeiders  
Chief of Police, Steve Lutz  
Codes and Zoning, Jeremy Eutzy

**PUBLIC COMMENT**

Sandra Gonzalez – In the absence of Julie Dibble, Chairman Harkins asked Sandra Gonzalez to say a prayer before beginning the meeting.

Joe Stafford – Commented on the importance of sending a delegate to attend York County Planning Commission meetings. He asked what kind of condition our sewer system is in, why the sewer authority was disbanded, and what the regulations are regarding private septic systems. Supervisor Wintermyer explained that we have a Sewer Enforcement Officer who enforces the regulations regarding new septic systems and their required inspections. Chairman Harkins said a meeting happened last week at the Sewer plant and they are getting a plan in place to have more people involved in the sewer. The Solicitor explained that we have a Sewer Enforcement Officer who enforces the regulations regarding new septic systems and their required inspections. Manager Miller explained that the administrative office monitors the pumping of septic systems, keeps records, and sends reminder letters to residents when their septic is due to be pumped according to the township ordinance.

Bob Gasswint, Redland Senior Center – Gave update on the progress of taking over the church. They will be applying for grants once they can show ownership of the property.

Robert Cuthbertson Resident, 95 Sam Snead Circle – Commented on the amount of high-speed traffic on Sam Snead Circle, Bobby Jones Drive and intersection of Fairway and Red Mill Road. Chairman Harkins and the Board said they will work on speed limit signs for the streets in question. Supervisor Kauffman asked that Highway go and trim back the high grass tomorrow.

Dave Kinsey Resident, 230 Sam Snead Circle – Commented on high-speed traffic and pedestrian traffic that has declined. He himself no longer walks.

## **PUBLIC COMMENT CONTINUED**

Bob Stouffer Resident, 50 Sam Snead Circle – Commented on high-speed traffic. He is afraid his wife will be hit by a speeding car. Mr. Stouffer also addressed Chief Lutz about the speeding.

Deb Popp Resident, 287 Garriston Road – Commented on the current tax collector’s salary. She stated that it is \$14,000 over what she was making. Ms. Popp stated that she had spoken to Jane Deamer after the last meeting and Jane told her the current tax collector had the fire tax and her mailings that she completes. She said she wants to know why the new tax collector is being paid for mailings that she is not doing. Ms. Popp stated Ms. Deamer told her there was an Admin meeting between Jane and Tony and that Tony told her to pay her like she was being paid. Manager Miller stated that he does not determine the compensation of the tax collector and that it is determined by the Board in Resolution. Solicitor James Sanders stated that the Resolution that was passed by the Board is what is honored and will be until the next election. Chairman Harkins stated nothing is being done differently than when Ms. Popp was the tax collector. Supervisor Wintermyer agreed this should be changed before the next election.

Steven Toomey, Resident, 160 Cragmoor Road – Commented on the Fire Commission. Wants to know what happened to the Fire Commission. Fire Tax went forward, and he is wondering where the tax is going. Manager Miller commented on where the money was spent. Supervisor Wintermyer commented that we cannot touch the money unless it is for Fire. Solicitor Sanders said PA Code Section 1302 Title 08 states what can be purchased.

Mike Crone Resident, 170 Bobby Jones Drive – Thanked the Board for not selling the Sewer. Wants to know why no answers were given by the Board. Most answers were given by PFM. He asked if any homework was done by the Board on the sale. He then challenged a statement that Chairman Harkins made. Lastly, he would like a resolution passed so the Township does not work with PFM.

Adam Karl Resident, 220 Bobby Jones Drive – Commented on intersection at Red Mill and Fairway being dangerous. Would like Sam Snead to have speed bumps or counters.

Deb McKiernan Resident, 15 S. Ben Hogan Drive – She feels the price of the furniture Package for the MESB is too high. She does not think the MESB needs an entry way sign. She questioned the payments of bills, that it doesn’t list an amount and what is being paid. She would like a breakdown. Manager Miller Tony stated that it is listed on the website. Reference to the fire tax fund how is it dispensed. Manager Miller explained the Fire Tax is on the budget. Supervisor Wintermyer explained further on how the money would be spent. Would like to see the Fire Commission running soon. She also commented that Glenn Eagles Way has no fire hydrants and is one way in one way out.

## **APPROVAL OF MINUTES**

MOTION By Supervisor Wintermyer to approve the minutes from July 25, 2023, seconded by Vice Chairman Diane Shellenhamer, carried unanimously.

DISCUSSION None

## **LAND DEVELOPMENT/ SUBDIVISION PLAN REVIEW**

Nothing to report.

## **REPORTS**

### **Public Safety – Chief Lutz**

Chief Lutz said Goldsboro Fire Department has a bingo on September 22<sup>nd</sup> and a chicken BBQ fundraiser on October 1<sup>st</sup>. York Haven Fire Department has a corn soup sale on October 21. Newberry Township Fire department is having bingo on September 15 and 28 and the last chicken BBQ of the year on September 16.

Knox boxes were installed at Newberry and Goldsboro Fire Departments. He went on to explain how and when businesses can purchase a Knox box. All three of our Fire Departments have the same Knox boxes keys. Fairview Township does not have the same box keys.

### **Police- Chief Lutz**

The Police Department handled 1138 calls for the month of July.

Chief Lutz addressed the speeding areas and said they would place a covert box on the main area where the speeding is taking place. A speed board will also be placed. Once the data is collected, he will present it to the Board. He addressed an issue on Cartref Road. He thanked everyone for National Night Out. Lastly, reminding everyone of school starting and he explained the school bus law. He revisited the student who was struck and killed last year in Newberry. Chief went on to answer questions from the attending Residents including Identifying drivers of vehicles who struck someone or did not obey a school bus. Closing out he said we are the only state that does not allow the police to shoot Radar. Supervisor Kauffman then commended him and his staff for their work at National Night Out.

### **Solicitor – James Sanders**

Solicitor 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’s Report – Tony Miller**

Tony Miller submitted a report to the board.

### **Treasurer’s Report – Jane Deamer**

Jane Deamer submitted a report to the board.

### **Supervisor’s Report**

## OLD BUSINESS

Nothing to discuss.

## NEW BUSINESS

### **Approve Resolution 2023-20 providing for an exemption to CMV Driving Time Limits during certain emergencies.**

MOTION By Vice-Chairman Shellenhamer to approve Resolution 2023-20, Seconded by Chairman Harkins, carried unanimously.

DISCUSSION Jane Harman Resident, 225 Hemlock Ln – Asked the board why the website does not have a description of the resolutions which will be brought up at the meeting. Solicitor Sanders explained that it is at the will of the Board on how Resolutions will be communicated prior to the meeting. Mrs. Harman would like the Resolutions to be on the website prior to the monthly meeting.

Manager Miller asked Public Works Director, Scott Getgen, for clarification. Scott replied it is 11 hours driving and 14 hours on duty. Solicitor Sanders and Supervisor Wintermyer went on to explain further.

### **Approve amendment to extend the Intergovernmental Cooperation Agreement with the York County Stormwater Consortium.**

MOTION By Supervisor Kauffman to approve the amendment to extend the Intergovernmental Cooperation Agreement with the York County Stormwater Consortium. Seconded by Vice-Chairman Shellenhamer, carried unanimously.

DISCUSSION Manager Miller clarified that Newberry Township has a 6-year agreement with the York County Stormwater Consortium which is set to expire in December 2023. This Resolution would allow the township to extend the terms of the agreement for two more years without incurring additional costs.

### **Approve Resolution 2023-21 to extend the term of the amended and restated Intergovernmental Cooperation Agreement for the implementation of the York County Chesapeake Bay Pollutant Reduction Plan.**

MOTION By Chairman Harkins to approve Resolution 2023-21, Seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION None

### **Approve Resolution 2023-22 to invest General Fund monies in a M&T Bank Interest Bearing Money Market Account.**

MOTION By Supervisor Kauffman to table Resolution 2023-22, Seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION Manager Miller stated that there was a mistake on the agenda and this Resolution 2023-22 is to invest in sewer funds and not general funds. He went on to explain the three million investment in detail. Solicitor Sanders cleared up that M&T is not a foreign bank.

Jane Harman Resident, 225 Hemlock asked if the money is turned back monthly or cashed out. She asked if the rate was locked in. Manager Miller did try to explain in the presence of the Comptroller.

Sandra Gonzalez Resident, 140 York Road Wondering if an engineer could give an assessment of the overall system to see where the investments need to be made. Chairman Harkins explained further that we are investing a portion of the money.

Manager Miller went on to explain that when he was on the Sewer Authority the money was invested in CD's not coupons. He did not like the length of time it took for the CD to mature.

## **NEW BUSINESS CONTINUED**

### **Approve Resolution 2023-23 for submission of a RACP Grant for renovation of the Newberry Township Administration and Public Works building.**

MOTION By Supervisor Kauffman to approve Resolution 2023-23, Seconded by Vice Chairman Shellenhamer seconded it. 3 ayes, 1 no, motion carries.

DISCUSSION Chairman Harkins stated the minimum RACP submission is a million dollars with a 50 percent match. Manager Miller addressed the repair costs for the roof. He suggested getting competitive bidding rather than using the KPN process. He will be meeting with the grant writer in the morning.

Jane Harman Resident, 225 Hemlock Lane – Questioning, is a million needed to match the cost? Manager Miller explained that for one million dollars we would need half of that. Manager Miller explained these upgrades are not a priority. One million is the minimum that can be requested.

Supervisor Wintermyer went on to ask if we are going down the same path as we did on the MESB building. Chairman Harkins explained this will go out for bid.

Sandra Gonzalez Resident, 140 York Road – Appreciates the new MESB building, and she wanted to acknowledge the wonderful job that the police department does. She repeated that not all Residents were there to nickel and dime.

### **Approve Resolution 2023-24 for LSA Grant submission for a Street Sweeper.**

MOTION By Supervisor Kauffman to approve resolution 2023-24, Seconded by Chairman Harkins, Carried unanimously.

DISCUSSION Chairman Harkins stated that current street sweeper is at the end of its life and breaking down constantly. The quote for a new street sweeper is \$379,000. Manager Miller explained that he will be applying for a grant.

### **Approve bond reduction Dunkin' Donuts to \$296,109.**

MOTION By Supervisor Kauffman to approve the bond reduction of Dunkin Donuts, Seconded by Chairman Harkins, Carried unanimously.

DISCUSSION Engineer Rudy said he was out to do the inspection, and he approved this reduction.

### **Approve Halloween Trick or Treat, Tuesday October 31, 2023. 6pm - 8pm.**

MOTION By Supervisor Kauffman to approve Trick or Treat, Seconded by Chairman Harkins, carried unanimously.

DISCUSSION None

### **Approve Furniture package order for MESB of \$83,431.05.**

MOTION By Supervisor Kauffman to approve furniture package for \$83,431.05, Seconded by Supervisor Wintermyer, Carried unanimously.

DISCUSSION Manager Miller stated the \$83,431.05 is the lowest bid. \$243,1436 was the starting cost. Donations of office furniture, changing selections, and bidding out reduced cost significantly.

## **NEW BUSINESS CONTINUED**

### **Discuss sign for MESB for on entrance wall (not a street sign), 2D or 3D version.**

MOTION By Supervisor Kauffman motion to purchase the 3D sign, Seconded by Chairman Harkins, carried unanimously.

DISCUSSION Manager Miller stated that the 2D is \$2,011.00 3D is \$2,979.00. Chairman Harkins stated that the 3D sign is much nicer with Supervisor Wintermyer agreeing. Chief Lutz explained the signs further.

### **Bond Reduction, Lexington Estates Phase IV to \$78,405.80.**

MOTION By Vice Chairman Shellenhamer to approve the bond reduction of Lexington Estates Phase IV, Seconded by Supervisor Kauffman, carried unanimously.

DISCUSSION Engineer Bill Rudy completed the inspection, and the remaining bond amount is enough to complete the public improvements that are needed.

### **Bond reduction, Lexington Estates Phase V to \$50, 425.10.**

MOTION By Vice Chairman Shellenhamer motion to approve the bond reduction for Lexington Estates Phase V. Seconded by Supervisor Kauffman, carried unanimously.

DISCUSSION Engineer Bill Rudy completed the inspection, and the remaining bond amount is enough to complete the public improvements that are needed.

### **Bond reduction, Lexington Estates Phase VI to \$304,855.65.**

MOTION By Supervisor Kauffman reduce the bond for Lexington Estates Phase VI, Seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION Engineer Bill Rudy completed the inspection, and the remaining bond amount is enough to complete the public improvements that are needed.

### **Pay Lobar invoice #211994-8, \$176,428.84.**

MOTION By Chairman Harkins to pay Lobar invoice 211994-8, Seconded by Vice Chairman Shellenhamer. Supervisor Wintermyer opposed. 3 ayes, 1 no, motion carries.

DISCUSSION Manager Miller explained what the invoice entailed. He offered copies of the invoice to residents and going forward the invoice will be posted on the website.

### **Pay Lobar invoice #211944-3F, \$26,955.20. Final payment for Design/ Engineering contract.**

MOTION By Supervisor Kauffman to pay Lobar invoice #211944, Seconded by Chairman Harkins. Supervisor Wintermyer opposed. 3 ayes, 1 no, motion carries.

DISCUSSION Manager Miller and Chairman Harkins explained this is the final payment for the design of the building.

## **NEW BUSINESS CONTINUED**

### **Approve Resolution 2023-25 for LSA Grant submission for Police vehicles and upfitting.**

MOTION By Supervisor Kauffman to approve Resolution 2023-25 for LSA Grant submission, Seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION Supervisor Wintermyer asked if this is for one vehicle. Chief Lutz said he did not know as the Grant submission was not written yet. Supervisor Wintermyer and Chief Lutz discussed the upfitting of the recently purchased vehicles.

### **Approve Resolution 2023-26 for LSA Grant submission for Police ancillary equipment, radios, and AED.**

MOTION By Supervisor Kauffman to approve Resolution 2023-26 LSA Grant submission. Seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION Chief Lutz explained the need for new portable radios, AED's and Tazers. He explained our AEDs are outdated and he cannot get replacement parts. The tazers are at least seven models behind and need updated.

### **Discussion regarding Cly Road sewer extension.**

MOTION By Chairman Harkins to approve Bill Rudy getting started on the process regarding Cly Road sewer extension. Seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION Chairman Harkins had a meeting at the Sewer Plant concerning Cly Road. Engineer Bill Rudy confirmed with the SEO that the area is failing. Supervisor Wintermyer commented this is 132 houses. Construction would be in phases. Chairman Harkins spoke about bimonthly meetings on the sewer extension.

Steven Toomey Resident asked what part of Cly Road this is. Engineer Bill Rudy and Supervisor Wintermyer explained what part of Cly Road they are talking about.

### **River Road and Shady Lane proposed truck restrictions.**

MOTION By Chairman Harkins to approve River Road and Shady Lane truck restrictions. Seconded by Supervisor Kauffman, carried unanimously.

DISCUSSION Scott Getgen, Public Works Director explained a tractor trailer got stuck on River Road. The need to limit the length to 36 feet on roadway due to truck traffic. Bill Rudy will start a traffic study.

### **Discuss lowering of the interest assumption for the pension plans.**

MOTION By Chairman Harkins to approve lowering of the interest assumption for the pension plans to 7.25, Seconded by Supervisor Kauffman, carried unanimously.

DISCUSSION Chairman Harkins stated that lowering of the interest assumption for pension plans would go from 7.75 to 7.25. Manager Miller read a statement from RJ Hall since they were not able to attend.

Kris Quintana Resident, 25 Rebecca Drive, asked when the decrease would stop. Manager Miller explained that it is based on long-term market performance. Solicitor Sanders explained to Mr. Quintana the Township is being conservative.

**Approve hiring of Wendy Etter to fill the Office Administrative Assistant vacancy.**

MOTION By Supervisor Kauffman to approve the hiring of Wendy Etter as the Office Administrative Assistant, seconded by Chairman Harkins, carried unanimously.

DISCUSSION None

**PAYMENT OF BILLS**

MOTION By Vice Chairman Shellenhamer to pay the bills, Seconded by Chairman Harkins, carried unanimously.

DISCUSSION None

**ADJOURNMENT**

MOTION By Vice Chairman Shellenhamer to adjourn, Seconded by Chairman Harkins to adjourn the meeting. carried unanimously.

DISCUSSION None

Respectfully Submitted,



Tony Miller, Secretary

