

NEWBERRY TOWNSHIP BOARD OF SUPERVISORS

Monthly Meeting Minutes

January 23, 2024 @ 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 teamsters' contract and ongoing litigation.

Attendance

Chairman, Rob Harkins
Vice-Chairman, Diane Shellenhamer
Supervisor, Dave Kirkpatrick
Supervisor, Aaron Schwartz
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 Eutzy

PUBLIC COMMENT

Jim Weiner – Resident, 65 Winterberry Lane – Discussed an erosion drainage type incident in The Woods development. He stated he has been trying to resolve the issue with The Woods development for multiple months with no response. The back of Mr. Weiner's property has a drainage easement. He explained the drainage issue by referring to a map. According to the drainage plan the grate is to direct the water into the detention pond. The grate is clogged and has diverted the water. He is asking that the bond release for the Woods not be approved until the drainage issue is fixed.

Manager Miller read an email from Timothy Dedmen of 65 Holly Lane located in the same development. The email was addressed to the board of supervisors to express his concern that McNaughton Homes is scheduled to be released from the bond for the Woods. He is asking that the board vote no unless there is assurance that McNaughton Homes will fix and repair two major issues both dealing with water run-off. Manager Miller stated that he explained to Mr. Dedman that the retention pond is not in its final condition as it is part of Phase III.

Engineer, Bill Rudy, explains that bond reductions for The Woods III and IV are not affected by the drainage issues being discussed.

Joel McNaughton, Attorney for the McNaughton Company, explains that maintenance issues or wash out issues if on an individual's lot and within a storm water management easement is the homeowner's or the homeowner's association responsibility.

Chairman Harkins requested Engineer Bill Rudy to visit the sites in question.

APPROVAL OF MINUTES

MOTION By Supervisor Kirkpatrick to approve the minutes from December 12, 2023, seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION None

MOTION By Supervisor Kirkpatrick to approve the minutes of reorganization meeting from January 2, 2024, seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION None

LAND DEVELOPMENT/ SUBDIVISION PLAN REVIEW

None

REPORTS

Public Safety – Chief Lutz

Chief Lutz stated York Have Fire Department is having a training class - a Hazmat refresher class. No fund raising scheduled. Goldsboro Fire Department is having the same refresher Hazmat class, as well as first aid, CPR, AED, and blood borne pathogen coming up this month. No fund raising has been scheduled. Newberry Township Fire Department is having the same first aid training with no fund raising scheduled. Chief Lutz reported that the fire departments and the EMA Director were awarded the Grant last year. In quarter two \$4,500 was paid out to volunteer fireman for their training hours, responding to calls – meeting the criteria. \$4,000 was paid out in quarter one.

Police Department – Chief Lutz

The Police Department handled 960 calls for the month of December. Total report for 2023 to 12,398 incidents. Chief Lutz introduced new fire chief Mark Hillis, Newberry Township Fire Department, Station 31.

Solicitor – James Sanders

James Sanders submitted a report to the board.

Engineering –Pennonni 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

Manager Miller stated the police are interested in moving forward in replacing the K9 that passed. The township received \$15,000 in insurance coverage for that K9. Chairman Harkins stated that the \$15,000 is going towards the purchase of the new K9 and is it not coming out of the budget.

Treasurer –Jane Deamer

Jane Deamer submitted a report to the board.

Supervisor’s Report

Nothing to discuss.

OLD BUSINESS

Ordinance 398, Section 2.05 Multiple Use Property, Sewer Tapping Fee and Quarterly Billing, Ms. Amy Ehrman, Studio A, 205 Scarlet Oak Drive

MOTION By Supervisor Wintermyer to approve a onetime waiver for the tapping fee to Ms. Ehrman, seconded by Vice Chairman Shellenhamer, Supervisor Kirkpatrick abstains, motion carries.

DISCUSSION Chairman Harkins stated that board is not able to waive the sewer connection fee because it is in the ordinance. Chairman Harkins offered Ms. Ehrman a payment plan. Supervisor Wintermyer asked Ms. Ehrman questions regarding her initial inquiries to previous codes and zoning officer.

Supervisor Schwartz asked Solicitor Sanders to explain the process of who is responsible knowing an ordinance when a special exception requested. Solicitor Sanders stated that when applying the resident is applying through the ordinances of the township. It is incumbent on the applicant to know what ordinances are in place and it is incumbent on the township to apply the ordinances as they were intended. He stated that ultimately the applicant should know the laws that are publicly available.

Ms. Ehrman continued to explain that she was not advised of a second tapping fee. She stated she is under the EDU usage.

NEW BUSINESS

Approve Performance Bond Release for Woods Phase I

MOTION By Chairman Harkins to table approving performance bond release for Woods Phase I, seconded by Vice Chairman Shellenhamer. Supervisor Kirkpatrick opposes. Motion carries four to one.

DISCUSSION Attorney McNaughton stated for precedent purposes when there is a recommendation that work has been completed that board decided not to act on the information from the consultant. Solicitor Sanders stated that it is being tabled till the next meeting.

Approve Performance Bond Release for Woods Phase II

MOTION By Chairman Harkins to table approving performance bond release for Woods Phase II, seconded by Vice Chairman Shellenhamer. Supervisor Kirkpatrick opposes. Motion carries four to one.

DISCUSSION Attorney McNaughton stated for precedent purposes when there is a recommendation that work has been completed that board decided not to act on the information from the consultant. Solicitor Sanders stated that it is being tabled till the next meeting.

Approve Bond Reduction for Woods Phase III to \$143,889.59

MOTION By Chairman Harkins to approve to approve bond reduction for Woods III to \$143,889.59, seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION None

Approve Bond Reduction for Woods Phase IV to \$481,523.08

MOTION By Supervisor Kirkpatrick to approve bond reduction for Woods Phase IV to \$481,523.08, seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION None

Approve Bond Reduction for Goodman Logistics Center to \$224,609

MOTION By Supervisor Schwartz to approve bond reduction for Goodman Logistics Center to \$224,609, seconded by Supervisor Kirkpatrick, carried unanimously.

DISCUSSION None

Approve Fire Protection Agreement with Newberry Township Fire Department

MOTION By Supervisor Kirkpatrick to approve fire protection agreement with Newberry Township Fire Department, seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION None

Approve Fire Protection Agreement with Susquehanna Fire Company

MOTION By Supervisor Kirkpatrick to approve fire protection agreement with Susquehanna Fire Company, seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION None

Approve Fire Protection Agreement with Goldsboro Fire Company

MOTION By Supervisor Kirkpatrick to approve fire protection agreement with Goldsboro Fire Company, seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION None

Approve Insurance for 2024 VFW Memorial Day Parade \$400

MOTION By Vice Chairman Shellenhamer to approve insurance for 2024 VFW Memorial Day Parade \$400, seconded by Supervisor Schwartz, carried unanimously.

DISCUSSION None

Approve Deed of Dedication for the Woods Phase III Sanitary Sewer

MOTION By Supervisor Kirkpatrick to approve Deed of Dedication for the Woods Phase III Sanitary Sewer, seconded by Chairman Harkins, carried unanimously.

DISCUSSION None

Approve Deed of Dedication for the Woods Phase IV Sanitary Sewer

MOTION By Vice Chairman Shellenhamer to approve Deed of Dedication for the Woods Phase IV Sanitary Sewer, seconded by Chairman Harkins, carried unanimously.

DISCUSSION None

Approve 2024 Police Services Agreement for York Haven

MOTION By Supervisor Kirkpatrick to approve 2024 police services agreement for York Haven, seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION None

Approve Resolution 2024-09 For Fire Tax Fund Appropriations

MOTION By Supervisor Kirkpatrick to approve Resolution 2024-09 for fire tax fund appropriations, seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION Supervisor Kirkpatrick explains this Resolution approves for the treasurer to write the checks as the bills come in. It is a reimbursement program.

Approve Resolution 2024-10 Purchase Brine System Using Highway Capital Reserve Fund

MOTION By Supervisor Kirkpatrick to approve Resolution 2024-20 purchase brine system using highway capital reserve fund, seconded by Chairman Harkins, carried unanimously.

DISCUSSION Supervisor Kirkpatrick explains that township goes to Conewago township to get brine. There are no facilities in Newberry township.

Approve Resolution 2024-11 Volunteer Service Tax Credit

MOTION By Supervisor Kirkpatrick to approve Resolution 2024-11 volunteer service tax credit, seconded by Supervisor Schwartz, carried unanimously.

DISCUSSION Solicitor Sanders explains this is an ordinance that was passed to provide for tax credits for volunteer firefighters that live in the area within the township. These are tax credits for property and earned income.

Discussion Related to Requested Changing Permanent Sign Requirement for Political Signs. Zoning Chapter 308 Attachment 4:3

MOTION

DISCUSSION Manager Miller explains it was brought up to consider changing the sign ordinance with regards to political signs. Currently signs are permitted to be put out 6 weeks prior to election day. The request was made due to voting changes that allow mail in ballots. Chairman Harkins stated it will be discussed in the next workshop meeting.

Dave Parsons – Resident, 200 Winding Hill Drive – Commented that where he resides there is a homeowner’s association, and no political signs are permitted.

Jane Harman – Resident, 205 Hemlock Lane – Stated she agrees that there needs to be a workshop regarding the ordinance. She stated there are multiple signs from businesses that are crowded in certain areas. She commented that she feels if a sign wants to be placed, township should have applications and approve for set number of days. If a road crew needs to remove the sign after said amount of time, then a fine will be given.

Mike Crone – Resident, 170 Bobby Jones Drive – Stated ordinance for signs on public property is fine but signs on private property are going against 1st amendment right.

PAYMENT OF BILLS

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

DISCUSSION None

ADJOURNMENT

MOTION By Supervisor Kirkpatrick to adjourn, seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION None

Respectfully submitted,



Tony Miller, Secretary

