

**NEWBERRY TOWNSHIP BOARD OF SUPERVISORS**  
**Monthly Meeting**  
**January 25, 2022 6:00 p.m.**

**Call to Order by Chairman Dave Kirkpatrick**

Chairman Kirkpatrick called the Regular Meeting to order at 6:00 p.m. Proof of publication was available for public inspection. Chairman Kirkpatrick announced that the board had an executive session on January 18 to discuss the Cost-of-Living Adjustment for the Police Pension, ongoing litigation matters for workers compensation claim petition, and a Heart and Lung benefits application. There was no executive session held prior to the meeting.

**Attendance**

Chairman, Dave Kirkpatrick  
Vice-Chair, Rob Harkins  
Supervisor, Diane Shellenhamer  
Supervisor, Maxine Kauffman  
Supervisor, Clair Wintermyer  
Township Manager, Tony Miller  
Public Works Director, Scott Getgen

Wastewater Services Coordinator, Brent Zeiders  
Township Comptroller, Jane Deamer  
Solicitor, James Sanders  
Zoning Officer, Marcus Brandt  
Police Chief, Steve Lutz  
Engineer, Bill Rudy

**PUBLIC COMMENTS**

*Mike Haugh, 355 River Rd:* Mike asked why the Township keeps fighting the PA system. Chairman Kirkpatrick said they are testing new PA System. Mike also asked if the Board of Supervisors read the Zoning Ordinance book. Mike asked why we are not enforcing the Stormwater Management in the Township. Chairman Kirkpatrick asked for a specific location he is talking about. He brought up the car dealership and the backfill happening across the street from Newberry Elementary School. Chairman Kirkpatrick said that is currently going through the York County Conservation District. Mike said his name is misspelled on the agenda. He said his RTK requests are being denied and he wants to know why. Mike said Save-Rite is still not in compliance. Supervisor Wintermyer discussed the status of Save-Rite.

**Minute Approval**

- MOTION by Supervisor Kauffman to approve the December 14, 2021 monthly meeting minutes. The motion, seconded by Supervisor Shellenhamer, carried unanimously.
- MOTION by Supervisor Shellenhamer to approve the January 3, 2022 BOS Reorganization Minutes. The motion, seconded by Supervisor Kauffman, carried unanimously.
- MOTION by Supervisor Kauffman to approve the January 11, 2022 BOS Workshop minutes. The motion, seconded by Supervisor Shellenhamer, carried unanimously.

## **LAND DEVELOPMENT/SUBDIVISION REVIEW**

### **West Shore School District Waiver Request and Stormwater Analysis**

Adam Whalen from K&W engineering discussed the waiver request. They resubmitted a Stormwater application for review to the Township. Supervisor Harkins discussed the runoff with the Township engineer.

MOTION by Supervisor Kauffman to approve the WWSD waiver request. The motion, seconded by Supervisor Shellenhamer, carried unanimously.

### **Bond Reduction for Clover Crossing Phase V**

Engineer Bill Rudy discussed the bond reduction for Clover Crossing.

MOTION by Vice-Chair Harkins to approve the Bond Reduction for Clover Crossing to the amount of \$39,626.95. The motion, seconded by Supervisor Wintermyer, carried unanimously.

### **Resolution 2022-10 Planning Module for Previously Approved Subdivision/Fink**

MOTION by Supervisor Shellenhamer to approve Resolution 2022-10. The motion, seconded by Supervisor Wintermyer, carried with 4 ayes and 1 abstain by Vice-Chair Harkins.

### **Final Land Development Plan, Newberry Township Emergency Services Building**

Engineer Bill Rudy discussed the land development plan for the building. Public sewer and water are being put in for the project. Twelve additional homes will be connecting to the sewer as well. Bill reviewed the layout of the building and the applications that were submitted to the county/state. Bill Rudy is requesting approval of 5 waivers. Discussion with a resident Mike Haugh and the supervisors regarding the sewer lines.

MOTION by Supervisor Shellenhamer to approve the waivers for the final land development for the Emergency Services Building. The motion, seconded by Supervisor Kauffman, carried unanimously.

MOTION by Supervisor Kauffman to approve the final plan for the Emergency Services Building. The motion, seconded by Supervisor Shellenhamer, carried unanimously.

## **REPORTS**

### **Public Safety – Chief Lutz**

Chief Lutz reviewed the report he submitted to the board. Chief Lutz reviewed the deer incident that made national news. There is no addition to the Fire Reports. Chief Lutz spoke about Goldsboro having a bingo night on January 28 and Newberry having one on February 4<sup>th</sup>.

### **EMS- Mark Knaub**

Mark reviewed the report that was submitted to the board. Mark reviewed a clinical save that Lifeteam was awarded for. He acknowledged Newberry Fire Crew with certificates for the help on the save. Mark discussed the bulk mail error for the memberships, and they are currently reviewing the situation.

## REPORTS CONT.

### 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. Resident Mike Haugh commented on the road conditions in District 2 (York Haven area). Scott explained the plan on getting the roads fixed.

### 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. Tony said he has an exploratory call with PEMA and FEMA regarding the application submitted for the damages from Hurricane Ida. Tony reviewed the RTK legal costs from 2021. Resident Dave Parsons asked what determines the cost of a RTK. Tony said legal or engineer costs to gather and review. Vice-Chair Harkins asked if they could explore hiring a subcontractor to just handle the RTK requests.

### Treasurer's Report – Jane Deamer

Jane Deamer submitted a written report to the board.

### Supervisor's Report

Supervisor Wintermyer spoke about the lot on Old Trail Road that was stoned. The Township was told it was being done to be sold, and then several cars showed up in the lot. Zoning Officer Marcus Brandt is currently looking into the situation.

## Old BUSINESS

### Approve Settlement Agreement, Ettline, Haugh, and Balek VS Newberry Twp

MOTION by Supervisor Kauffman to approve the settlement agreement. The motion, seconded by Supervisor Wintermyer, carried unanimously.

## **NEW BUSINESS**

### **Semi-Annual Investment Review for Pension/RJ Hall**

Kevin Hall and Rub Lutz from RJ Hall reviewed investment performance. Kevin reviewed the Police Pensions and the history of the funded status.

### **Approve Maintenance Agreement- Dunkin Donuts**

Tony Miller reviewed the maintenance agreement from Dunkin Donuts that says they will take care of the access drive behind Dunkin and the Bank.

MOTION by Supervisor Kauffman to approve the maintenance agreement. The motion, seconded by Supervisor Shellenhamer, carried with 4 ayes and 1 nay.

### **2022 Fire Protection Agreements with Newberry, Goldsboro, Susquehanna Fire Depts**

MOTION by Supervisor Shellenhamer to approve the 2022 Fire Protection Agreements. The motion, seconded by Supervisor Wintermyer, carried unanimously.

### **Amend Resolution 2022-06 Setting 2022 Wages**

The wage for the part time employee was transposed incorrectly on the resolution. The Police Administrative Assistants wages were increased to the market adjustment.

MOTION by Vice-Chair Harkins to approve the changes to resolution 2022-06. The motion, seconded by Supervisor Shellenhamer, carried unanimously.

### **Hire Consultant for Fire Dept Strategic Planning**

Chairman Kirkpatrick is looking to hire Jerome Ozog to assist the Fire Departments Strategic Planning Committee.

MOTION by Chairman Kirkpatrick to hire Jerome Ozog Enterprises. The motion, seconded by Supervisor Shellenhamer, carried unanimously.

### **Appoint Diane Shellenhamer Chairman for Fire Dept Strategic Planning Committee**

Supervisor Shellenhamer said the committee she is looking to put together a committee to support the departments and help plan for the future.

MOTION by Vice-Chair Harkins to appoint Diane Shellenhamer as the Chairman for the Fire Dept Strategic Planning Committee. The motion, seconded by Supervisor Wintermyer, carried unanimously.

### **Resolution 2022-11 using ARPA money for Fire Tax Fund, purchase backhoe, and reimburse General**

#### **Fund for Peterbilt truck purchase**

MOTION by Supervisor Kauffman to approve Resolution 2022-11. The motion, seconded by Supervisor Wintermyer, carried unanimously.

## **NEW BUSINESS CONT.**

### **Resolution 2022-12 Grant Submission for SAFER program**

Tony Miller said this agenda item is no longer needed for the federal grant program

### **Approve Solicitor to draft Proposal for Sewer Purchase**

MOTION by Supervisor Shellenhamer to approve the Solicitor to draft up an RFP for Sewer Purchase. The motion, seconded by Supervisor Kauffman, carried unanimously.

### **Vote on 2022 COLA (cost of living adjustment) for Police Pension Plan**

MOTION by Supervisor Kauffman to not approve the COLA for Police Pension Plan. The motion, seconded by Supervisor Wintermyer, carried 4 ayes and 1 nay.

Supervisor Kauffman said the board is not obligated to give the COLA and they must watch how the money is given. Chairman Kirkpatrick said he would rather just pay the COLA since this situation could go to arbitration and they will have to pay legal fees. Vice-Chair Harkins said one reason for not approving this, is because there could potentially have disability claims going against the Pension Plan and it could make it worse. He wanted to ensure the police that they are not trying to take money away from them.

### **Approve VFW Memorial Day Parade Route and Insurance**

Chairman Kirkpatrick said the insurance for the route is \$345 and the Township pays it. The parade route will be the same as prior years. Once approved, the packet will be sent to PennDOT.

MOTION by Supervisor Kauffman to approve the parade route and payment for the insurance. The motion, seconded by Supervisor Shellenhamer, carried unanimously.

### **Penn Waste pick up Issues**

Joel Washok from Penn Waste discussed the trash collection issues. Penn Waste pick up has been affected because of COVID and staffing issues. The weather the prior week was extremely cold, and some staff quit mid route. Joel said he worked to gather crews together to collect the trash. Supervisor Wintermyer asked if the Township can be contacted earlier so they are able to get the information on the website/Facebook. Tony said he will give Joel his personal phone number so that he can be reached after hours.


## **PAYMENT OF BILLS**

MOTION by Supervisor Kauffman to pay the bills. The motion, seconded by Supervisor Wintermyer, carried unanimously.

**Adjournment**

MOTION by Supervisor Wintermyer, seconded by Supervisor Shellenhamer. Meeting adjourned at 7:48PM.

Respectfully Submitted,



A handwritten signature in cursive script, appearing to read "Tony Miller", is written over a horizontal line.

Tony Miller, Secretary