

## **NEWBERRY TOWNSHIP BOARD OF SUPERVISORS**

### **Monthly Meeting Minutes**

**July 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 Police, Highway and Sewer.

#### **Attendance**

Chairman, Rob Harkins  
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**

Pastor Jonathan Bowers from Newberrytown Church of God said a prayer for unity and to work together for what is best for the township.

Sherilyn Kanyuck – Resident, Pleasant Drive Road – stated there is speeding on her road and her mailbox has been hit. She stated that she has called the game commission regarding a neighbor that has built a tree stand not far from her residence to shoot deer. Ms. Kanyuck also asked if burning brush and trash was allowed. Supervisor Kirkpatrick stated that the next time a neighbor is burning she should call the codes and zoning officer or the police. Supervisor Kirkpatrick went over the speed study that was conducted on her road. He stated the speed limit posted on that road is 35 mph. The average speed limit recorded on that road is 38.9 mph of 6,200 vehicles when the study was conducted.

Robert Cuthbertson – Resident, 95 Sam Snead Circle – Wanted to know the status of the speed limit signs that were to be placed in the neighborhood. Supervisor Kirkpatrick stated that it would be investigated. If they are approved, they will be installed. Mr. Cuthbertson questioned what speed limit signs are enforceable. Chief Lutz stated that if there is a speed limit sign on a township roadway it must be approved by the Board in a township ordinance that states the signs are enforceable by the township.

Dave Parson – Resident, 200 Winding Hill Drive – Stated he wanted to speak about zoning ordinances and zoning districts. Mr. Parson spoke about the different zoning districts and the different uses. Mr.

Parson stated he would like the Board to conduct a review of the SALDO Land Development Ordinance, the zoning ordinance and the zoning map. Chairman Harkins stated that he would like to have some of the ordinances updated, however, it is still under discussion.

David Kinsey – Resident, 230 Sam Snead Circle – Questioned the Red Mill Crossing Bond reduction. Supervisor Kirkpatrick stated it is the development that is already under construction on Red Mill Road. The developer is required to put up a bond for certain phases of the project as it progresses. As one phase is finished the money is returned to the developer. The township holds the money if the project is not finished.

Rob Lane – Chairperson for the Newberrytown Neighborhood Alliance. – A group of Newberry Township citizens who want to encourage safe development. Mr. Lane stated he is speaking against a 120-unit apartment complex on Church Road. Mr. Lane reviewed the concerns of the group and why they oppose the development. He stated that the historic 150-year-old Paddletown Church and cemetery are now in the process of going through the requirements to be placed on the national register of historic places.

Jane Harman – Resident, 205 Hemlock Lane – Stated she was not aware of unenforceable roads for speed limit and suggested that the Board review them. Chief Lutz explained the procedure that would be taken and the outcome if a ticket was written on an unenforceable speed limit sign. Chairman Harkins stated if there are specific signs in question, they can be emailed to Manager Miller and then can be researched. Ms. Harman asked why the bridge on Eden Road is still not open. She stated that on the corner of Valley Green Road and Hemlock Road is a blind corner, which is the detour since the bridge on Eden Road is closed. Ms. Harman would like that area looked at to see if improvements can be made. Manager Miller addressed the bridge closure on Eden Road. He explained what needs to be completed for the bridge to open and that it is a county bridge project and not the township.

## **APPROVAL OF MINUTES**

MOTION            By Supervisor Kirkpatrick to approve the minutes from June 25, 2024, seconded by Chairman Harkins, carried unanimously.

DISCUSSION      None

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

### **AAA Quality Builders, 1335 York Haven Road, York Haven PA**

MOTION            By Supervisor Kirkpatrick to approve waiver requesting submission of a preliminary plan 344-20, seconded by Chairman Harkins, carried unanimously.

DISCUSSION Jim Gibson, the developer of Lexington Estates introduced himself. He stated Lexington Estates has 179 units on the property of which 169 of the units have been sold. Mr. Gibson went over the plans and map of the property. He would like to take a 2-acre parcel and divide it into 4 lots. The 4 lots are slightly over a half an acre a piece. The new houses to be built on those lots will be priced between \$550 and \$650 thousand. Mr. Gibson stated he had given the township the 18 acres beside that for the use of a park.

Engineer, Bill Rudy, stated that his memo lists the remaining outstanding items. There are five waivers. The Planning Commission did recommend the plan and the five waivers.

MOTION By Supervisor Kirkpatrick to approve waiver to provide a site context map 344-20.E, seconded by Supervisor Schwartz, carried unanimously.

DISCUSSION None

MOTION By Supervisor Kirkpatrick to approve a waiver to provide preliminary improvements plan 344-20. I, seconded by Supervisor Schwartz, carried unanimously.

DISCUSSION None

MOTION By Chairman Harkins to approve the request for a waiver to provide for stormwater management plan, seconded by Supervisor Schwartz, carried unanimously.

DISCUSSION Engineer, Bill Rudy, stated in there would be a condition that stormwater management plans would be provided when the building permit is submitted to the township. The approval would go through for each building lot.

MOTION By Supervisor Kirkpatrick to approve the waiver request for curb and sidewalk requirement providing the easements needed to put walking path at the back of the property at Long Lane and York Haven Road, seconded by Supervisor Schwartz, carried unanimously.

DISCUSSION Engineer, Bill Rudy, stated that it is under the condition the township provide the two easements for the opened space.

MOTION By Supervisor Kirkpatrick to approve the plan and the subdivision once the Engineers comments are satisfied, seconded by Chairman Harkins, carried unanimously.

DISCUSSION None

**James and Lynn Yost, 425 Yocumtown Road, York Haven PA**

MOTION By Supervisor Kirkpatrick to approve a waiver request to provide a stormwater management plan, seconded by Supervisor Schwartz, carried unanimously.

DISCUSSION Tyler Yost stated his parents are the applicants. Cooper Engineering prepared the needed plans. Mr. Yost stated their farm is on Yocumtown Road across from the Zion Lutheran Church. They are proposing to subdivide off a nearly 3-acre lot. The intent is for Mr. Yost to build his family home on that lot in the future.

Engineer, Bill Rudy, stated that the planning commission recommended approving the plan. There are three waivers that need granted and it is the recommendation to approve the waivers.

MOTION By Supervisor Kirkpatrick to approve a waiver to provide a woodland evaluation, seconded by Supervisor Schwartz, carried unanimously.

DISCUSSION None

MOTION By Supervisor Schwartz to approve a waiver request to provide a site context map, seconded by Chairman Harkins, carried unanimously.

DISCUSSION None

MOTION By Supervisor Kirkpatrick to approve the main subdivision plan for James and Lynn Yost, seconded by Supervisor Schwartz, carried unanimously.

DISCUSSION None

#### **Miller Sub-division 1210 York Haven Road**

MOTION By Supervisor Kirkpatrick to grant waiver on the site context map, the woodlands evaluation and the stormwater management plan, seconded by Supervisor Schwartz, carried unanimously.

DISCUSSION Joshua George with Landworks Civil Design introduced himself. Two plans are on the Agenda for the Miller family. The first plan being 1210 York Haven Road. Mr. George stated that both plans are very similar. They are minor subdivision plans that will create one new lot at each property. The goal for each of the subdivision plans is to create a lot for the existing home that is on each piece and have a residual lot left over.

Engineer, Bill Rudy, stated the planning commission recommended approving the plan and the three waivers.

#### **Miller Sub-division 830 River Road**

MOTION By Supervisor Kirkpatrick to approve waivers 1, 2 and 3 for the site context map, the woodlands evaluation and the stormwater management plan, seconded by Supervisor Schwartz, carried unanimously.

DISCUSSION Joshua George with Landworks Civil Design stated this sub-division is basically the same as the one for 1210 York Haven Road. The same waivers are needed. The parcel size is slightly larger. One four-acre lot will be created with the remaining lot being 11 acres.

Engineer, Bill Rudy, stated the planning commission recommended approving the plan and the three waivers.

**MOTION** By Supervisor Schwartz to approve the Miller sub-division for 830 River Road, seconded by Supervisor Kirkpatrick, carried unanimously.

**DISCUSSION** None

## **REPORTS**

### **Public Safety – Chief Lutz**

Chief Lutz stated York Haven Fire Department will have a chicken barbeque on July 27<sup>th</sup>. They also have gun raffle tickets for sale up until late August. Newberrytown Fire Department has a chicken barbeque on August 17<sup>th</sup> and bingo on August 2<sup>nd</sup>, 16<sup>th</sup> and the 30<sup>th</sup>. Lieutenant Ditty spoke about public safety regarding the fire departments and the incentive program. From July of 2023 to June 30 of 2024 is the fiscal year. The grant made it possible to pay 25 volunteers over \$16,000.00. The money is federally funded.

### **Police Department – Chief Lutz**

The Police Department handled 857 calls for the month of June. Chief Lutz reminded the public that National Night Out is August 6<sup>th</sup>. Anyone who would like to be a vendor is to contact the police department. Chief Lutz reminded the residents that their golf tournament is August 30<sup>th</sup>. Anyone interested in participating or sponsoring is to contact the police department for registration forms.

Lieutenant Ditty spoke about an emergency that took place on June 14<sup>th</sup>. A phone call came in from a resident. Her husband was in cardiac arrest. Within two minutes of the call the police officers were on scene with their AED's and immediately began life saving aid to the victim. CPR was performed by family members, police officers as well as members of the volunteer fire department before the arrival of the EMS partners. Lieutenant Ditty reviewed the body cam footage and wanted to state how proud Chief Lutz and himself were of the officers along with the other responders. The victim of the cardiac arrest lived despite the statistics that 90% of people in cardiac arrest outside of a health facility do not survive.

### **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**

Manager Miller stated he officially provided his retirement date to the board of January 3, 2025. There is a professional HR agency that is doing the talent search. The search will start August 1<sup>st</sup>. There will be a contact for the HR agency placed on the website on August 1<sup>st</sup>.

**Treasurer – Jane Deamer**

Jane Deamer submitted a report to the board.

**Supervisor's Report**

Supervisor Schwartz added that he wanted to thank the police officers and first responders for protecting and keeping the residents and public safe.

**OLD BUSINESS**

None

**NEW BUSINESS**

**Approval Fire Departments Box Alarms**

MOTION By Chairman Harkins to approve for the three fire departments the box alarms, seconded by Supervisor Kirkpatrick, carried unanimously.

DISCUSSION Supervisor Kirkpatrick explained what a box alarm is and how it works. A box alarm tells the county when an emergency is called in which apparatus to dispatch to that call. Jane Harman asked for clarification on the numbers of the boxes. Supervisor Kirkpatrick explained the process. Lieutenant Ditty explained to Ms. Harman that the volunteer incentives apply to the active firefighter members that either go to training or respond to incidents.

**Adopt Standard Operating Guidelines (SOG) and Standard Operating Procedures (SOP)**

MOTION By Chairman Harkins to approve to adopt standard operating guidelines and standard operating procedures for the fire departments, seconded by Supervisor Kirkpatrick, carried unanimously.

DISCUSSION Supervisor Kirkpatrick stated the Public Safety Department has put together standard operating guidelines and procedures while the fire departments are working within

Newberry Township. This is for all fire departments working within the township to be operating in the same manner of guidelines and procedures.

**Approve Operation and Maintenance Agreement for Red Mill Crossings, LLC**

MOTION By Supervisor Kirkpatrick to approve operation and maintenance agreement for Red Mill Crossings, LLC, seconded by Supervisor Schwartz, carried unanimously.

DISCUSSION Engineer, Bill Rudy, explains that it is a standard operating agreement for the BMPs at the site.

**Approve Red Mill Crossing Bond Evaluation #1. Reduce Bond to \$4,068,056.76**

MOTION By Supervisor Kirkpatrick to approve Red Mill Crossing Bond Evaluation #1, reducing bond to \$4,068,056.76, seconded by Chairman Harkins, carried unanimously.

DISCUSSION None

**Approve Tynio/Woods Extended/Fox Farm Development Agreement with Golf Enterprises, Inc.**

MOTION By Chairman Harkins to approve Tynio/Woods Extended/Fox Farm Development Agreement with Golf Enterprises, Inc, seconded by Supervisor Kirkpatrick, carried unanimously.

DISCUSSION Solicitor Sanders explains that it is an agreement between McNaughton Homes and the township with a few different developments involved. It is for roadway improvements. Engineer, Bill Rudy, stated it is for the Woods Extended and Fox Farm Development. The roads in question would be 382 and Whisler Road, the entrance to the Woods development and at the Newberrytown interchange where the Dunkin Donuts is located. Solicitor Sanders added that any PennDOT required improvements related to both projects will be covered under this agreement.

Brian Rehbein – Resident, 928 Pleasant Drive – questioned the roundabouts being put in. His concern is for plowing and truck traffic. Solicitor Sanders stated it is not a township road. It is a state road and governed by what PennDOT is asking for to improve the traffic in that area. It is a suggested plan. The township is just agreeing to improving the traffic in that area.

**Approve Resolution 2024-23 Supporting the York County Commission for the United States Semi Quincentennial “America250PA”**

MOTION By Chairman Harkins to approve Resolution 2024-23 Supporting the York County Commission for the United States Semi Quincentennial “America250PA”, seconded by Supervisor Schwartz, carried unanimously.

DISCUSSION Manager Miller explains the Resolution. It is a support Resolution of the county’s activities.

**Approve Advertisement of Ordinance 426 Amendment E-Code Chapter 380-72, Organization of Zoning Hearing Board**

MOTION By Chairman Harkins to approve advertisement of Ordinance 426 Amendment E-Code Chapter 380-72, Organization and Zoning Hearing Board, seconded by Supervisor Kirkpatrick, carried unanimously.

DISCUSSION Manager Miller stated the townships current language for that Ordinance does not what the State law is. This brings the township up to date with the State laws.

**Approve Advertisement of Ordinance 427 to reduce speed limit on Robin Hood Drive to 25 mph**

MOTION By Supervisor Schwartz to approve advertisement of Ordinance 427 to reduce speed limit on Robin Hood Drive to 25 mph, seconded by Supervisor Wintermyer opposed, carried unanimously.

DISCUSSION Manager Miller stated that to have the ordinance passed a track study was completed.

**Approve Resolution 2024-24 DEP Cly Road Sewer Extension Plan Revision**

MOTION By Supervisor Kirkpatrick to approve Resolution 2024-24 DEP Cly Road Sewer Extension Plan Revision, seconded by Chairman Harkins, carried unanimously.

DISCUSSION Engineer, Bill Rudy, stated that the 30-day public comment period has passed. One comment was received and there will be a response sent. Mr. Rudy explained the process.

**Approve Resolution 2024-25 Township Fee Schedule Changes**

MOTION By Supervisor Schwartz to approve Resolution 2024-25 Township fee schedule changes, seconded by Chairman Harkins, carried unanimously.

DISCUSSION Manager Miller explained there were fees that were not previously included in the fee schedule. Engineer, Bill Rudy, gathered information from other townships to update the recreation fees.

**Approve Resolution 2024-26 Plan Review Development James and Lynn Yost, 425 Yocumtown Road**

MOTION By Supervisor Schwartz to approve Resolution 2024-26 Plan Review for Land Development James and Lynn Yost, 425 Yocumtown Road, seconded by Chairman Harkins, carried unanimously.

DISCUSSION Engineer, Bill Rudy, stated Mr. Yost is required to submit planning to DEP due to the high nitrate area. DEP requires that a Resolution be submitted.

**Approve Payment Certificate for Pennsy Supply (Cartref and Rossville Roads)**

MOTION By Supervisor Kirkpatrick to approve payment certificate for Pennsy Supply (Cartref and Rossville Roads), seconded by Supervisor Schwartz, carried unanimously.

DISCUSSION None



**Approve Resolution 2024-27 Move General Fund Money from Traditions Money Market Account to Treasury Ladder**

- MOTION By Supervisor Kirkpatrick to approve Resolution 2024-27 move general fund money from Traditions Money Market Account to Treasury Ladder, seconded by Chairman Harkins, carried unanimously.
- DISCUSS Manager Miller explained why there is moving of the money to treasury ladder due to greater interest rate.

**Approve to Hire Michael Nace as Waste Water Operator, Sewer Dept.**

- MOTION By Supervisor Schwartz to approve to hire Michael Nace as Waste Water Operator, Sewer Dept., seconded by Supervisor Kirkpatrick, carried unanimously.
- DISCUSSION None

**PAYMENT OF BILLS**

- MOTION By Supervisor Schwartz to pay the bills, seconded by Supervisor Kirkpatrick, carried unanimously.
- DISCUSSION None

**ADJOURNMENT**

- MOTION By Supervisor Kirkpatrick to adjourn, seconded by Supervisor Schwartz, carried unanimously.
- DISCUSSION None

Respectfully submitted,

  
Tony Miller, Secretary

