

## NEWBERRY TOWNSHIP BOARD OF SUPERVISORS

### Monthly Meeting Minutes

May 28, 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 matters and 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 Eutzzy

### PUBLIC COMMENT

Sandra Gonzalez – Resident, 140 Oak Road – Spoke about a scripture for people to love one another. She stated that at times in the meetings people are on opposite sides but as a township we are one. She said a prayer.

Tom Adams – Resident, 1610 Valley Road – Spoke about the bad weather and dense fog that has been occurring and the number of vehicles that do not have their headlights on. Chief Lutz stated that it is a state law that vehicles have lights on in those types of weather conditions. Mr. Adams asked how it is enforced. Chief Lutz stated the officers would have to observe it and either educate the driver by giving them a warning or citation. Mr. Adams continued stating how many driving violations he has seen including on Interstate 83. Chief Lutz stated officers can cite and enforce certain rules on Interstate 83. They are not allowed to enforce speed on Interstate 83.

Valerie Poe-Huyett – Resident, 701 Potts Hill Road - Concerned about the traffic on the road in front of her house at the intersection of Old Quaker Road. Ms. Huyett was upset about the amount of traffic and speeding in front of her house. A traffic study had already been completed previously. She addressed Chief Lutz regarding the presence of officers watching for speeders. Chief Lutz stated the officers when available are looking for violations that emergency incidents take priority.

Sandra Gonzalez – Resident, 140 Oak Road – Stated a traffic study had been done on Sam Snead. She said it is dangerous to walk on the road especially around the bend and steep slope. She suggested

rumble strips being put down. Supervisor Kirkpatrick stated there is 92 miles of road in the township and it is difficult for the police officers to patrol every part of it continually. She agrees that additional police officers would be an asset, however no one wants their taxes increasing. She stated that with the growth that is happening in the township it may be something that needs to be addressed in the future.

Vicki Crone – Resident, 170 Bobby Jones Drive – Stated that she walks a lot on Sam Snead. Ever since the police study was done there has not been an issue. Ms. Crone said if people walking or riding bikes are observant, she does not feel there is a problem.

Richard Acri – Resident – Stated he bought a lot at 50 Bass Lake in April and has the permits. Since then, he had found out the property had been vacant and that a petition had been filed. Chairman Harkins explains that the lot was purchased with a building permit on the lot. There was a trailer on the property when the previous owner had it. They had applied for a demolition permit and tore the trailer down. They had applied for a building permit to put a smaller building to replace the trailer that was demolished. Chairman Harkins stated that it does not meet the current code setbacks with the old building or the new building. Mr. Acri had purchased the property with the intention to build a place for his daughter in law and the neighbor filed a junction with the zoning board stating they are building on a non-conforming lot. Supervisor Kirkpatrick advised Mr. Acri to bring it back to the next Board of Supervisors meeting and it will be addressed, and the permit will be extended. The Solicitor suggested Mr. Acri speak to a land use attorney.

### **APPROVAL OF MINUTES**

MOTION By Supervisor Kirkpatrick to approve the minutes from April 23, 2024, seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION None

MOTION By Vice Chairman Shellenhamer to approve the workshop minutes from May 21, 2024, seconded by Supervisor Kirkpatrick, carried unanimously.

DISCUSSION None

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

#### **830 River Road Miller Subdivision**

MOTION By Vice Chairman Shellenhamer to table 830 River Road Miller Subdivision, seconded by Chairman Harkins, carried unanimously.

DISCUSSION None

**1210 York Haven Road Miller Subdivision**

MOTION By Vice Chairman Shellenhamer to table 830 River Road Miller Subdivision, seconded by Chairman Harkins, carried unanimously.

DISCUSSION None

**Joseph and Susie Esch 1285 York Haven Road**

MOTION By Supervisor Kirkpatrick to approve the waiver to provide site context, seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION Scott Akens, Akens Engineering – Stated Mr. Esch owns two properties - a residential property and a farm property. Mr. Esch is swapping a portion of the unused residential property and adding it to the farm property. Mr. Akens explained the plans on the map. Engineer Bill Rudy stated that everything has been reviewed and is ready for approval acting on the waivers and then the plan.

MOTION By Supervisor Kirkpatrick to approve the final subdivision plan for 1285 York Haven Road contingent upon the Engineers comments, seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION None

**Twin Lakes and Garriston Road Minor Subdivision**

MOTION By Supervisor Schwartz to approve the waiver to provide site context map, seconded by Supervisor Kirkpatrick, carried unanimously.

DISCUSSION Chris Hoover, Hoover Engineering – Explained the plan stating it is a subdivision to increase the lot size to greater than 10 acres so that it qualifies for clean and green. Engineer, Bil Rudy stated that the planning commission recommended granting the waivers that are required.

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

DISCUSSION None

MOTION By Supervisor Schwartz to approve the subdivision plan for Twin Lakes Road contingent upon the Engineers comments, seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION None

**WellSpan Medical Building**

MOTION By Vice Chairman Shellenhamer to approve the preliminary plan for WellSpan Medical Building, seconded by Supervisor Kirkpatrick, carried unanimously.

DISCUSSION None

MOTION By Vice Chairman Shellenhamer to approve the waiver to list existing conditions, seconded by Supervisor Schwartz, carried unanimously.

DISCUSSION None

MOTION By Supervisor Kirkpatrick to approve the request for site context map, seconded by Supervisor Schwartz, carried unanimously.

DISCUSSION None

MOTION By Vice Chairman Shellenhamer to approve the wavier request to provide existing resource site analysis plan, seconded by Supervisor Kirkpatrick, carried unanimously.

DISCUSSION None

MOTION By Vice Chairman Shellenhamer to request the waiver for the preliminary resource impact conservation plan, seconded by Supervisor Schwartz, carried unanimously.

DISCUSSION None

MOTION By Vice Chairman Shellenhamer to approve the waiver request for the cover sheet information, seconded by Supervisor Schwartz, carried unanimously.

DISCUSSION None

MOTION By Vice Chairman Shellenhamer to approve the waiver request for the cover sheet information provide statement acknowledgment plan to review the township planning commission, seconded by Supervisor Schwartz, carried unanimously.

DISCUSSION None

MOTION By Vice Chairman Shellenhamer to approve the waiver request for access drive shall not exceed 100 feet from the intersection of any access drive, seconded by Supervisor Schwartz, carried unanimously.

DISCUSSION None

MOTION By Vice Chairman Shellenhamer to request a waiver drive shall be aligned with access drives on opposite side of the street, seconded by Supervisor Schwartz, carried unanimously.

- DISCUSSION None
- MOTION By Vice Chairman Shellenhamer to approve the waiver for minimum radius for access drives is 35 feet, seconded by Chairman Harkins, carried unanimously.
- DISCUSSION Chairman Harkins questioned if there is enough room for tractor trailers to make turns. Mr. Stine stated there is not enough space for tractor trailers. Chairman Harkins asked if signs stating no trucks can be added. Mr. Stine stated that it can be a condition of the waiver approval that signs be added for length of 55 feet for trucks.
- MOTION By Supervisor Kirkpatrick to grant the waiver with exception of the addition of signs for truck length, seconded by Vice Chairman Shellenhamer, carried unanimously.
- MOTION By Supervisor Schwart to defer the request for the waiver of sidewalk requirement, seconded by Supervisor Kirkpatrick, Supervisor Wintermyer opposed, motion carries four to one.
- DISCUSSION Joe Stine, Civil Project Director, managing this project on behalf of WellSpan presented the land development plan for a new community hospital.
- Sandra Gonzalez – Resident, 140 Oak Road – Stated she feels a sidewalk is important to be included in the plans for the community to access other areas surrounding the hospital. Mr. Stine stated their concern is that if a sidewalk is installed it is limited to the immediate vicinity of the property. There is a safety concern that people would then be walking onto the busy roadways. Engineer, Bill Rudy, stated that the planning commission recommended granting all the waivers except for the sidewalks.
- Mr. Stine stated that if it would suit the board instead of a full waiver the deferral to a future point and time for the sidewalks. Mr. Stine presented that as opposed to the full elimination of sidewalks. The Solicitor stated the three options are to grant the waiver request, deny the waiver request or defer it and put it in the developer’s agreement.
- MOTION By Supervisor Schwartz to approve the waiver for double frontage lots being prevented, seconded by Supervisor Kirkpatrick, carried unanimously.
- DISCUSSION None
- MOTION By Supervisor Kirkpatrick to approve the subdivision plan for WellSpan Medical Building contingent upon meeting all the Engineers requirements, seconded by Chairman Harkins, carried unanimously.
- DISCUSSION None

## **REPORTS**

### **Public Safety – Chief Lutz**

Chief Lutz stated York Haven Fire Department has a raffle that is taking place and will end August 17<sup>th</sup>. They have a chicken barbeque on July 17<sup>th</sup>. Newberrytown Fire Department has a bingo on June 7<sup>th</sup> and June 21<sup>st</sup>. They also have a chicken barbeque on June 15<sup>th</sup>. Goldsboro Fire Department has a chicken barbeque scheduled for June 2<sup>nd</sup>. Chairman Harkins stated he received a call from a resident regarding the intersection of Garriston and Pleasant Drive. He stated people do not stop at the four-way stop.

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

The Police Department handled 1,061 calls for the month of April. Chief Lutz thanked the VFW for the way they organized and ran the Memorial Day Parade as well as all the volunteers and emergency responders. Chief Lutz reminded the residents to lock their vehicles, so it is not an opportunity for a crime of theft to take place. During the meeting he stated officers were directed to go out to Potts Hill Road and he was notified that they did make one or two traffic stops before being called to another incident. Chief Lutz stated a speed box will be placed where the WellSpan Hospital is to be built. Depending on what the speed study says, his recommendation to the board would be to decrease the speed limit on the road due to the increase in pedestrian traffic.

### **Solicitor – James Sanders**

James Sanders submitted a report to the board.

### **Engineering –Pennonni Associates**

Bill Rudy stated he was able to pull the plan up for Planet Fitness. There was no deferral for Planet Fitness, it was a waiver.

### **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 submitted a report to the board.

### **Treasurer –Jane Deamer**

Jane Deamer submitted a report to the board.

**Supervisor's Report**

Supervisor Kirkpatrick stated that Byron Nelson area, parts of Hemlock Road and parts of Eden Road have been marked with an X in the middle of the road. This was done for future locations of fire hydrants. The list has been sent to the water company. If the water mains are large enough fire hydrants will be installed.

**OLD BUSINESS**

None

**NEW BUSINESS**

**Appointment to the Zoning Hearing Board Filling the Vacant Position with a Term Expiring 12/31/2026.**

MOTION By Vice Chairman Shellenhamer to elect Joe Stafford to fill the Zoning Hearing Board vacant position, seconded by Supervisor Schwartz, carried unanimously.

DISCUSSION None

**Appointment to the Zoning Hearing Board Filling the Vacant Alternate Position with a Term Expiring 12/31/2024.**

MOTION By Vice Chairman Shellenhamer to elect Brandt Cook to fill the Zoning Hearing Board vacant alternate position, seconded by Supervisor Schwartz, carried unanimously.

DISCUSSION None

**Resolution 2024-17 Transfer \$817.832.22 from M & T Bank General Fund to the PLGIT Interest Bearing Account**

MOTION By Supervisor Kirkpatrick to approve Resolution 1024-17 to transfer \$817.832.22 from M & T Bank General Fund to the PLGIT Interest Bearing Account, seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION None

**Resolution 2024-18 PennDOT Multi Modal Transportation Fund Authorized Signatory for Pleasant Drive Bridge Project**

MOTION By Supervisor Kirkpatrick to approve Resolution 2024-18 PennDOT Multi Modal Transportation Fund Authorized Signatory for Pleasant Drive Bridge Project, seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION Manager Miller explained that the township was awarded the Multi Modal Transportation Grant to rebuild the bridge over Bennet Run at Pleasant Drive. A signature is required by PennDOT.

**Approve PennDOT MTF Agreement for Pleasant Drive Bridge Project**

MOTION By Supervisor Schwartz to approve PennDOT MTF Agreement for Pleasant Drive Bridge Project, seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION     Manager Miller stated that along with the Resolution this is the final step after working with PennDOT. The final agreement is needed to name Newberry Township is the receiver of the Grant.

**Adding Stake Out Inspection to Permit Application**

MOTION           By Supervisor Kirkpatrick to approve Adding Stake Out Inspection to Permit Application, seconded by Chairman Harkins, carried unanimously.

DISCUSSION     Chairman Harkins explains that there was a zoning issue with a building being built outside of where it was supposed to be built. Chairman Harkins recommends that stake out inspections be added to the permit application to avoid this from happening in the future.

**Resolution 2024-19 Woods Extended Sewer Planning Module**

MOTION           By Chairman Harkins to approve Resolution 2024-19 Woods Extended Sewer Planning Module, seconded by Supervisor Schwartz, carried unanimously.

DISCUSSION     Engineer, Bill Rudy, explains this is for the subdivision plan for the Woods Extended. Once Resolution is passed it will go to DEP for review verifying the sewer capacity.

**Approve Police Association to Purchase Officer Tyson’s Firearm at the Replacement Cost**

MOTION           By Supervisor Schwartz to approve Police Association to purchase Office Tyson’s firearm at the replacement cost, seconded by Supervisor Wintermyer, carried unanimously.

DISCUSSION     Supervisor Kirkpatrick stated Officer Tyson is going to retire and this is a common practice that has been done before.

**Ratify Teamster CBA**

MOTION           By Supervisor Kirkpatrick to ratify the Teaster Collective Bargaining Agreement, seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION     None

**PAYMENT OF BILLS**

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

DISCUSSION     None

**ADJOURNMENT**

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

DISCUSSION     None



Respectfully submitted,



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Tony Miller, Secretary

