

NEWBERRY TOWNSHIP BOARD OF SUPERVISORS

Monthly Meeting Minutes

October 24, 2023 @ 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 possible litigation matters.

Attendance

Chairman, Rob Harkins
Vice-Chairman, Diane Shellenhamer
Supervisor, Clair Wintermyer
Supervisor, Dave Kirkpatrick
Supervisor, Maxine Kauffman
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

Julie Dibble, Newberrytown Church of God – Spoke about being impatient. She read a passage from Psalm 27 and then said a prayer.

Robert Cuthbertson – Resident, 95 Sam Snead Circle – He wanted to commend the police department for their immediate response to monitor Sam Snead Circle. He stated that there has been a decrease in the speeding on that road. Mr. Cuthbertson is requesting that the camera device be turned to monitor for speeding on Redmill and Fairway area.

Chief Lutz addressed Mr. Cuthbertson's concerns and stated that the camera collects data from both directions. Mr. Cuthbertson asked if it monitored the intersection. Supervisor Kirkpatrick asked Chief Lutz to set up the camera at the intersection.

Connie Flasher – Resident - Stated that she noticed in the budget that there is a total loss of \$995,986 and that on the agenda that we are to advertise the budget. She read that a township should not prepare and advertise notice of a proposed budget when it is knowingly inaccurate. She stated that it is not accurate if it is not balanced. She continued to say that at the last meeting nothing was mentioned about the MESB building and the expenses and revenues. She asked why it was going to be advertised if it was in violation of the second-class township code.

Manager Miller addressed Ms. Flasher's comments and stated that every line item has been looked at and it is accurate. Chairman, Harkins stated that before the next meeting there is going to be a discussion within each department to determine what can be cut. Manager Miller addressed Ms. Flasher on the MESB building by giving her a breakdown of the line items. He stated that the budget is voted for in the October meeting to advertise the draft budget. Even though it is advertised it can be amended before it is approved. He stated that it is on the agenda due to second class code that it needs to be advertised before it is voted on.

Jane Harman – Resident, 205 Hemlock Lane – Stated that she is running for write in campaign for township supervisor November 7th. Asking for votes to be working for the resident's best interest. She feels it is important to get correct information out in this open meeting regarding misinformation that one of the board members has given to some residents. The misinformation is that another supervisor is funding her campaign. She stated it is incorrect and that she is solely funding her own campaign. She has not accepted or solicited campaign contributions from anyone and especially not a board member. She stated that she has the receipts for all the expenditures, and it is required that she report to the election board where the money she spent on the campaign came from. She stated she wanted to set the record straight.

Tom Adams – Resident, 1610 Valley Road – He runs the third district at Yocumtown Church of God and would like to remind residents to vote on November 7th.

APPROVAL OF MINUTES

MOTION By Supervisor Kirkpatrick to approve the minutes from October 24, 2023, seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION Supervisor Kirkpatrick made a motion to place the Woods Extended on the Agenda Item M under New Business.

LAND DEVELOPMENT/ SUBDIVISION PLAN REVIEW

Southern Crossing Preliminary Land Development Plan Review

Presentation by Derek Dissinger, Attorney at Barley Snyder on behalf of Scandia Properties for the Southern Crossing project. He is joined by Justin Kuhn from IDP, Engineer and Jason Wheeler from TPD, Traffic Engineer. This project crosses Fairview township and Newberry township. The plan is before both townships. They are seeking waivers. He would like to address the two aspects of the plan that will involve fee and lieu payments to the township. One of the fee and lieu payments relates to traffic. The second fee and lieu payment relates to parks and rec fee from the ordinance.

Mr. Kuhn goes over the plan to address some of the changes that have been made. Attorney Dissinger went over the additional sidewalk systems. Mr. Kuhn addressed the steep slopes. He stated that some of the units were shortened or removed due to the steep slopes. Mr. Kuhn also went over the park and fee and lieu calculation. Jason Wheeler stated that they completed a traffic impact study for this project.

He proposed a fair share agreement which means as the township monitors the intersection if a traffic signal is warranted then they would contribute a portion of the fee.

David Parsons – Resident, 200 Winding Hill Drive – Discussed the issues that he feels will be a problem in the development.

Sandra Gonzalez – Resident, 140 Oak Road – Commented about the fair share agreement. She stated that all the units being built would be occupied by taxpayers in the community. If it became necessary in the future to have a traffic light installed and the fair share portion did not cover the cost of a traffic light, the amount collected in taxes from those units would cover the cost.

Jane Harman – Resident, 205 Hemlock Lane – Questioned the traffic pattern in the new developments. She is concerned about parking and overflow parking being an issue. She discussed the need for sidewalks outside of the developments.

Dale Jackson – Resident, 155 High Street – Stated he is opposed to the waiver for the sidewalks. He thinks a blacktop lane along the Old Trail is better suited than a sidewalk.

Derek Dissinger, Attorney – Wanted to clarify on the sidewalk statements that were made. He stated that the connection to Newberry township would be through Red Mill. The waiver they are asking for would be along Old Trail. He stated that the only waivers that they are present for are preliminary plan approval, tangents, steep slopes, and a sidewalk which Red Mill already received.

Chris Katona – Resident, 25 Rebecca Drive – Stated that if the developers are doing everything the right way there is no reason to have a waiver.

Tom Adams – Resident, 1610 Valley Road – Commented on the public water problems from the past and wondered if it would affect the development.

Joe Stafford – Resident, 40 Sarah Drive – Stated he is opposed to the sidewalk.

Ryan Rehbein – Resident, 928 Pleasant Drive – Stated his concern that if the waiver is not accepted then wetlands will have to be dealt with.

MOTION By Supervisor Kirkpatrick to approve a Waiver for A-14 for Sidewalk is Required in Designated Areas of the Township, seconded by Supervisor Wintermyer, carried unanimously.

DISCUSSION None

MOTION By Chairman Harkins to approve Waiver 1 for Preliminary Plan Application and Submission. Applicant requesting a Waiver to Section D1, seconded by Supervisor Kirkpatrick, carried unanimously.

DISCUSSION None

- MOTION By Chairman Harkins to approve Waiver Section D2 Minimum 100 Foot Length of Tangents Between Reverse Curves, seconded by Supervisor Kirkpatrick, carried unanimously.
- DISCUSSION None
- MOTION By Chairman Harkins to approve Waiver D3 Sidewalk Shall Be Located 2 Feet from Side Street Right of Way, seconded by Supervisor Kirkpatrick, carried unanimously.
- DISCUSSION None
- MOTION By Supervisor Kirkpatrick to approve Waiver D4 Maximum of 25% Steep Slopes to Be Altered or Removed on a Lot, seconded by Chairman Harkins, carried unanimously.
- DISCUSSION None
- MOTION By Supervisor Kirkpatrick to approve the Southern Crossing Preliminary Land Development Plan contingent upon the engineer's comments, seconded by Vice Chairman Shellenhamer, carried unanimously.
- DISCUSSION None

Pines Road Greenhouses Preliminary Land Development Plan

- MOTION By Chairman Harkins to recognize that deemed approval has happened for the Greenhouse Preliminary Land Development Plan and approval of the two waivers for Steep Slopes and the sidewalks, seconded by Vice Chairman Shellenhamer. No vote.
- DISCUSSION Sean Delaney, Attorney from Stevens & Lee – Asked that the Board recognize that the Plan for Pines Road Greenhouses and the waivers were deemed approved as of October 1st with the recognition that it is only a preliminary plan and that the end process has not been determined.

Solicitor James Sanders was asked to speak on this matter. He stated that at the last meeting the Board did not approve a time extension. Due to the lapse, the waivers were deemed approved for the plan.

Chairman Harkins stated that the main issue is what is being used as fill. Mr. Delaney said that it does have to be approved by DEP. Manager Miller read information from DEP that states they must prove that it is compactable and the steps they must follow.

Sandra Gonzalez – Resident, 140 Oak Road – Asked if the fill needs to be encapsulated for leakage and if there is a risk of contamination. Mr. Delaney stated he would not give any opinion on the risk, but that DEP is looking at it closely.

Ryan Rehbein – Resident, 928 Pleasant Drive – Stated is this about greenhouses or the company making money by putting trash in the township.

Mr. Delaney stated that the location is good. It is ideal for the production facilities to be near population centers. He elaborated on the process.

Sandra Gonzalez – Resident, 140 Oak Road – Stated that it is the consensus of most that there is not a problem with the greenhouses. The necessity to use possibly contaminated material is what is problematic.

Solicitor Sanders stated that the township does not have power over what kind of fill comes in and out. It is governed by DEP.

Chris Katona – Resident, 25 Rebecca Drive – Stated we should not allow contamination of our land, waters, etc. He feels the process does not sound right to him and hopes the township votes against it.

Jane Harman – Resident, 140 Oak Road – Questioned the planning commission. Solicitor Sanders stated that it went before the planning commission first and the planning commission gave comments. The comments came up and they wanted more time for the plan to address the comments. The time was not approved for the initial 90-day extension to decide on the plan. Engineer Bill Rudy explains the two waivers.

Paul DeHart – Resident, 45 Rolling Hills Court – Stated he understands that the residents in attendance are to focus on the waivers. He said attending the meetings is the time when residents have a chance to voice their concerns. He asked that if the Board can do anything to stop it from happening, they should do so.

Request to Vacate Leah Drive by Vastgood Properties

Presentation by Charlie Surr, Attorney for VH Newberry which owns Newberry Commons - Spoke about building a medical office building within the center. For the medical office to be built all of Leah Drive needs to be vacated.

DISCUSSION Robert Mastandrea, Vice President of Operations for Vastgood Properties – Stated that they have a small interest and manage Newberry Commons. Chairman Harkins said he would like signs posted so there is not thru traffic. Mr. Mastandrea stated that would be done.

REPORTS

Public Safety – Chief Lutz

Chief Lutz submitted a report to the board.

Police Department – Chief Lutz

The Police Department handled 121 calls for the month of September. Chief Lutz stated that one of the biggest nights of the year for pedestrian traffic is Halloween. Reminded drivers to be cautious and alert. Reminded parents to stay with their children. Four police officers have completed CIT training (Crisis Intervention Training). A total of eight officers are now trained in CIT. Beginning November 1st is No Shave November month officers are allowed to grow facial hair. Money that is raised is given to St. Jude's.

Solicitor – James Sanders

James Sanders submitted a report to the board.

Engineering – Pennoni Associates

Bill Rudy stated attached to his report is the truck analysis for River Road and Shady Lane. Geometry for both roads has been reviewed. Truck traffic can be restricted to 25 ft. in length or less. Next step would be to have Solicitor Sanders draft the ordinance so that signs can be enforced when they are put up.

MOTION By Supervisor Kirkpatrick to have the Solicitor draw up the Ordinance as per the Engineer's suggestions, seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION None

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

Tony Miller submitted a report to the board.

Treasurer – Jane Deamer

Jane Deamer submitted a report to the board.

Supervisor's Report

Chairman Harkins asked if the search for a new SEO has started. Manager Miller stated he will post it on the website.

OLD BUSINESS

None

NEW BUSINESS

Approve Dunkin Donuts Bond Reduction II for \$177,487.50

MOTION By Chairman Harkins to approve Dunkin Donuts Bond Reduction II for \$177,487.50, seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION None

Approve Dunkin Donuts Bond Reduction III for \$83,602.50

MOTION By Supervisor Kirkpatrick to approve Dunkin Donuts Bond Reduction III for \$83,602.50, seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION None

Approve Bond Reduction of CPNC Investments (Veterinary Hospital) for \$52,475.00

MOTION By Supervisor Kirkpatrick to approve Bond Reduction of CPNC Investments (Veterinary Hospital) for \$52,475.00, seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION None

Approve Certificate of Payment for DeTraglia Excavating & Landscaping, Inc. of \$209,137.50

MOTION By Supervisor Kirkpatrick to approve Certificate of Payment for DeTraglia Excavating & Landscaping, Inc. of \$209,137.50, seconded by Chairman Harkins, carried unanimously.

DISCUSSION None

Approve Bond Reduction for Clover Crossing to \$7,727.50

MOTION By Supervisor Kirkpatrick to approve Bond Reduction for Clover Crossing to \$7,727.50, seconded by Vice Chairman Shellenhamer, carried unanimously.

DISCUSSION None

Approve the 2024 Contract with SPCA of York County (\$11,159.00)

MOTION By Supervisor Kauffman to approve the 2024 Contract with SPCA of York County (\$11,159.00), seconded by Supervisor Kirkpatrick, carried unanimously.

DISCUSSION Jane Harman – Resident, 205 Hemlock Lane – Questioned what the contract entails. Manager Miller went over the details of the contract.

Approve Klugh Animal Control Services 2024 Contract

MOTION By Supervisor Kirkpatrick to approve Klugh Animal Control Services 2024 Contract, seconded by Supervisor Kauffman, carried unanimously.

DISCUSSION Manager Miller read the details of the contract.

Approve 2024 Propane Supplier Bid Results. Central Penn Propane \$1.399 per gallon

MOTION By Chairman Harkins to approve 2024 Propane Supplier Bid Results, Central Penn Propane \$1.399 per gallon, seconded by Supervisor Kauffman, carried unanimously.

DISCUSSION None

Approve Penn Waste Contract One Year Extension (last one year extension of contract)

MOTION By Chairman Harkins to approve Penn Waste Contract for One Year Extension, seconded by Supervisor Kauffman, carried unanimously.

DISCUSSION None

Approve Advertisement of Draft 2024 Budget

MOTION By Supervisor Kirkpatrick to approve Advertisement of Draft 2024 Budget, seconded by Supervisor Kauffman, carried unanimously.

DISCUSSION None

Approve Purchase and Installation of Hearing-Impaired Child Sign on Cragmoor Road

MOTION By Chairman Harkins to approve Purchase and Installation of Hearing-Impaired Child Sign on Cragmoor Road, seconded by Supervisor Kirkpatrick, carried unanimously.

DISCUSSION None

Approve Lobar Invoice 211994-10 for Payment \$447,717.52

MOTION By Chairman Harkins to approve Lobar Invoice 21194-10 for Payment \$447,717.52, seconded by Supervisor Kauffman, carried 4-1, with Supervisor Wintermeyer opposing.

DISCUSSION None

Approve Time Extension for Woods Extended

MOTION By Supervisor Kirkpatrick to approve Time Extension for Woods Extended, seconded by Supervisor Kauffman, carried unanimously.

DISCUSSION Questioning when the gate was to be installed on the emergency access road. Supervisor Kirkpatrick stated if McNaughton does not comply Penn DOT will be contacted due to the violation.

PAYMENT OF BILLS

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

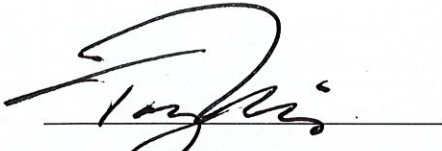
DISCUSSION None

ADJOURNMENT

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

DISCUSSION None

Respectfully submitted,



Tony Miller, Secretary

