

**NEWBERRY TOWNSHIP BOARD OF SUPERVISORS**  
**Monthly Meeting**  
**September 28, 2021            6:00 p.m.**

**Call to Order by Chairman Mario Eckert**

Chairman Eckert called the Regular Meeting to order at 6:00 p.m. Proof of publication was available for public inspection.

Chairman Eckert announced there was an Executive Session on September 16, 2021 to discuss EMS Proposals.

**Attendance**

Chairman, Mario Eckert	Police Lieutenant, Braxton Ditty
Vice-Chairman, Maxine Kauffman	Wastewater Services Coordinator, Brent Zeiders
Supervisor, Clair Wintermyer	Township Comptroller, Jane Deamer
Supervisor, Dave Kirkpatrick	Fire Chief, Gary Hatterer
Supervisor, Brandt Cook	Zoning Officer, Marcus Brandt
Township Manager, Tony Miller	Police Chief, Steve Lutz
Engineer, Bill Rudy	Public Works Director, Scott Getgen
Solicitor, Andrew Miller	

**LAND DEVELOPMENT/SUBDIVISION REVIEW**

Joe Stein from WareHaus presented the plans for Dunkin Donuts. Currently they are looking for a deferment of sidewalk installation for Pines Rd. Sidewalk can be put in by the developer within six months when the Township requests it. The private access is owned by the bank and the potential Dunkin Donuts owner. Supervisor Kirkpatrick asked if they have plans to do any work on the exit at Pines Rd. Joe Stein said no there are no plans to make changes to allow left turns. Supervisor Wintermyer said he is worried about who will be maintaining the access road. Joe Stein said an option is to have an agreement with the bank for who oversees what sections to plow. Chairman Eckert said since there are two pages of outstanding issues, he believes it's too early to make a decision. Solicitor Miller advised Chairman Eckert that the board has 90 days to act on the plan. The developer has to grant a time extension, or the plan will be deemed approved. Joe Stein agreed to a time extension.

**MOTION**            by Chairman Eckert to discuss the plan at the next Board of Supervisor meeting with the developer granting a time extension. The motion, seconded by Vice-chair Kauffman, carried unanimously.

## OLD BUSINESS

### EMS service provider interim and long-term contract

Chairman Eckert said during the executive session on September 16, they reviewed the proposals. Mark Knaub from Life Team discussed the proposal they submitted to the Township. Chairman Eckert said Life Team will provide service for the interim period until July 2022, and then will have a long-term contract with the contract for 3 years. Solicitor Miller discussed the long-term contract and the level of care being provided. ALS will be provided in the long-term agreement. Routine Maintenance was taken out of the agreement due to maintenance of the electrical, plumbing, etc. would be the Township's responsibility. The interim placement of the EMS provider is at the highway building. Mark Knaub said that Community Life Team covers 80 municipalities.

MOTION by Chairman Eckert to approve the interim and long-term contracts with Community Life Team. The motion, seconded by Supervisor Kirkpatrick, carried unanimously.

*Steve Forry, 45 Maplewood Dr:* Steve asked during the interim contract what level of service is being provided. Chairman Eckert said BLS will be provided while Community Life Team puts together an ALS team. Steve Forry asked if in the interim proposals was companies that would have provided BLS and ALS services. Chairman Eckert said yes.

*Vicki Krone, 170 Bobbie Jones:* Vicki mentioned that it was said the EMS services would not be a cost to the residents. She asked what would happen if the resident does not have insurance. Chairman Eckert said that is a billing situation, but nobody would be refused service. Vice-Chair Kauffman asked Mark Knaub if Community Life Team has memberships. Mark said they offer a subscription service, and those will be mailed out at the beginning of the year.

*Gary Hatterer, Fire Chief for Newberry:* Gary Hatterer said the Fire Department was working on a prorated refund to the residents. Gary said they will work with the incoming EMS provider for a smooth transition. Gary said the Fire Department did offer a lease agreement to the Township at fair market value.

*Rudy Huggins, Fire Chief for Goldsboro:* Goldsboro borough will be using Fairview EMS as the ambulance provider.

*Jeremy Maugans:* Jeremy asked how much the interim contract is. Chairman Eckert said the interim contract amount is \$9,000.00 per month. Newberry Township currently is paying \$9136.00 per month plus workers compensation and vehicle insurance. Jeremy asked Life Team if they will be providing a paramedic. Mark Knaub said the plan is to provide a paramedic.

### Update on Multi-Use Emergency Services Building

Supervisor Kirkpatrick said they are down to small details that need to be discussed like paint and furniture. Permits for the fill and ground water should be in the place by the end of September. Chairman Eckert said the final plans can't be published due to security reasons. The Township is still in the process to get Grants for the building.

## **OLD BUSINESS cont.**

*Mike Krone, 170 Bobbie Jones:* Mike asked how decisions are being made if there is no quorum when the special meetings were held. Supervisor Kirkpatrick said the meetings are planning meetings, and the police department are the ones making decisions for the building. Once the final plan is ready, it will then go in front of the board and will be voted on. Mike asked why the meetings are held at 11:00am when people are unable to attend them. Supervisor Kirkpatrick said these are just planning meetings and the contractors work during the day.

*Dave Parsons, 200 Winding Hill Dr:* Dave wanted to thank Lieutenant Ditty for his presentation at a prior meeting and he did a good job and asked why it took so long. Supervisor Wintermyer said there are Grants now at there that the Township can apply for and it seemed like a good time. Dave asked for the board to define “minimal” in regard to the cost of the building having a minimal effect on the residents. Chairman Eckert said the goal is to not raise effects and once they can get real numbers for cost and how much money they receive through Grants they will look at it more and crunch numbers. Dave asked if they considered a two-story building. Chairman Eckert said they did, but the cost of the building went up drastically due to elevators and accessibility. The current building and what it will be used for was discussed. Dave wanted to thank Scott Getgen and the highway department for replacing the storm drains in his development.

### **York County Stormwater Consortium Payment**

Payment needs to be made for the Contract with York County. The contract is up in 2023.

MOTION            by Chairman Eckert to pay the yearly amount. The motion, seconded by Supervisor Kirkpatrick, carried unanimously.

## **PUBLIC COMMENTS**

*Jason Christine, resident:* Tony Miller read the remaining portion of his public comment. Jason asked why the Township did not look into using the COVID money to help out the EMS. He believes contracting out EMS services puts the Township at the mercy of the hospitals. He believes if the company is not making money, they will pull their services. Tony Miller said spending money on EMS services is not an approved way to spend the ARP money at this time. Chairman Eckert stated again that Newberry Fire and EMS is not run by the Township, it is a private entity. The Township received two proposals for the interim contract, Fairview EMS and Community Life Team.

*Mike Krone, 170 Bobbie Jones Dr:* Mike said on September 8<sup>th</sup>, Tony Miller deleted Facebook comments and since this is a public forum this goes against the 1<sup>st</sup> amendment rights. Solicitor Miller said the board does not need to engage with the comments. Mike said Tony gave him the wrong address on a right-to-know request. Supervisor Kirkpatrick looked at the address that was provided and said the word “Old” should not be in it. Tony Miller said the address he provided was from the paytime records in the Township system.

## Minute Approval

MOTION by Supervisor Kirkpatrick to approve the August 24, August 31, September 7, September 14, September 21, September 24, and September 14 minutes. The motion, seconded by Chairman Eckert, carried unanimously.

## REPORTS

### Police Department – Chief Lutz

Chief Lutz reviewed the report he submitted to the board. Chief said that the golf tournament was a great success and wanted to thank everybody who participated and supported the event.

### Fire Department – Gary Hatterer

Chief Hatterer reviewed report he typed. The last day of EMS service is September 30<sup>th</sup>. Supervisor Wintermyer asked how long the EMS has been having a staffing issue. He said they have been doing a lot of overtime to try to cover since April. Supervisor Kirkpatrick confirmed with Gary Hatterer that the Township was not given advance notice on the Newberry EMS situation. Chairman Eckert said he wishes the Fire Department came to the Board earlier to let them know about the staffing issue. Gary said the Fire Department is still going to assist the residents and the new EMS provider. EMT of the year went to a Newberry EMS Adam. Fire Department participated in the Lantern event at BAPS. They worked with the warehouses and their water issue.

*Katie, 725 Cragmoor Rd EMT at Newberry EMS:* Katie said everybody is arguing and talking about social media, but nobody is stepping up. None of the residents will know the faces of Life Team. Because of being understaffed she worked 96 hours the prior week. Chairman Eckert said Newberry EMS was allowed to submit a proposal as well. Katie asked why the Board didn't see the issue with staffing. Supervisor Wintermyer said that if there is a problem, they need to come to the board.

### Solicitor – Andrew Miller

Solicitor Andy Miller submitted a report to the board.

### Engineering – Pennoni Associates

Engineer Bill Rudy submitted a written report to the board.

### Highway- Scott Getgen

Scott Getgen submitted a written report to the board.

### 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 a note was received by a township resident to thank the road crew for mowing the weeds on Garriston Rd. Tony also read a letter received a letter thanking Supervisor Wintermyer for showing concern during the power outage and reaching out to her family to make sure she was ok. Tony thanked the Highway and Sewer departments for the extra work during Hurricane Ida.

### **Treasurer's Report – Jane Deamer**

Jane Deamer submitted a written report to the board.

### **Supervisor's Report**

Vice-chair Kauffman thanked Tony Miller for all his hard work every day. Brandt Cook asked to have an executive session.

## **NEW BUSINESS**

### **Red Mill Road and Yocumtown Road Intersection Improvements**

Supervisor Kirkpatrick would like the Solicitor to write up a resolution to create one-ways for Yocumtown and Red Mill Rd, so no cars are entering the 4-way from the side.

*Mike Leach, 1195 Yocumtown Rd:* Mike said they should put a stop sign on the 4-way to help. Supervisor Kirkpatrick said it is a state road and the Township can not just put up a stop sign. The original reason the stop sign was not put there was because the Construction Company that was there could not get their trucks up the hill. Bill Rudy the engineer said PennDOT said they would do a study themselves once a formal request is done by the Township.

*Pearl Perkins, 430 Red Mill Rd:* She heard they were going to remove all the stop signs. She suggested a flashing red/yellow and mirrors. Supervisor Kirkpatrick said PennDOT does not do mirrors. To put up lights the houses/apartments would need to be torn down.

*Jane Harmon, Hemlock Ln:* Jane said the big issue is the houses on the corners. All the three areas with stop signs need warnings so they are aware the other side does not stop. She believes lights will help.

Bill Rudy said they will work on getting a letter to PennDOT.

### **Sewer and Water Extension Project**

Bill Rudy talked about the project to run Public Sewer down Old Trail Rd. He had cost estimates for the project for running the line up to WellSpan or not. Chairman Eckert believes running the line up to the Township building is more cost effective instead of running it down to WellSpan. Public water will be running to the building Lewisberry Rd. The sewer project is going to be bid out.

MOTION           by Chairman Eckert to approve the cost estimate and run the sewer to the Township Building. The motion, seconded by Vice-Chair Kauffman, carried unanimously.

## **NEW BUSINESS cont.**

### **2022 Newberry Township Minimum Municipal Obligation**

Township obligation to fund the pension plan.

MOTION by Supervisor Kirkpatrick to make the minimum obligation to the pension plan. The motion, seconded by Chairman Eckert, carried unanimously.

### **Talent Search for Wastewater Treatment Plant Operator**

Tony Miller is seeking approval to advertise the Plan Operator position.

MOTION by Chairman Eckert to approve the advertising of the position. The motion, seconded by Vice-Chair Kauffman, carried unanimously.

### **Resolution 2021-14 transfer of funds**

MOTION by Chairman Eckert to approve Resolution 2021-14. The motion, seconded by Supervisor Cook, carried unanimously.

### **90 Burning Brush Cir chicken permit appeal**

*Heidi Freeland, 90 Burning Brush Cir:* Heidi is looking to receive a chicken permit for her property, though she does not have a ½ acre. She did receive written support from her neighbors that they are ok with her having chickens. Her original permit application was denied due to not meeting the land requirements. Solicitor Miller said the board can reverse the denial. Chairman Eckert stated he would like to review the ordinance and possibly rewrite. Solicitor Miller said if the board can still enforce the ordinance even if they grant a variance. There was discussion between the board on different situations regarding denying or approving variances.

MOTION by Supervisor Cook to allow 90 Burning Brush to have 4 chickens. The motion, seconded by Supervisor Wintermyer, carried unanimously.

### **October 13 Budget Workshop Meeting**

Chairman Eckert announced there is a budget workshop meeting at 6pm on October 13

### **Resolution 2021-15 Street Adoption for Rolling Hills Phase II**

Tony Miller asked the board to table the Resolution because the Township did not receive the liquid fuel funds or maintenance bond from the developer.

MOTION by Chairman Eckert to table Resolution 2021-15. The motion, seconded Vice-Chair Kauffman, carried unanimously.

### **Confidence Vote**

Supervisor Kirkpatrick tried to make a motion to have a vote of no confidence in the Newberry Township Fire Department Chief. Supervisor Wintermyer asked Gary Hatterer to communicate better with the Board and the other Fire Departments. Chairman Eckert asked Supervisor Kirkpatrick his reasons for

## **NEW BUSINESS cont.**

the no confidence vote. Supervisor Kirkpatrick stated Call Boxes were not being updated, Chief Hatterer stopped communicating with him who is the Fire Liaison. Gary Hatterer said that Chairman Eckert told him to contact him if he has any questions. Chairman Eckert said he wants to table the motion and re-establish communicate with the Fire Chief.

MOTION by Chairman Eckert to table the no confidence vote. The motion, seconded by Supervisor Wintermyer, carried unanimously.

## **PAYMENT OF BILLS**

MOTION by Supervisor Cook to pay the bills. The motion, seconded by Chairman Eckert, carried unanimously.

## **EXECUTIVE SESSION**

The Board went into Executive Session at 8:05pm and returned at 8:39pm. Chairman Eckert announced the board discussed personnel matters.

### **Adjournment**

MOTION by Supervisor Cook, seconded by Chairman Eckert. Meeting adjourned at 8:41PM.

Respectfully Submitted,

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Tony Miller, Secretary