

**BOARD OF SUPERVISORS
MINUTES**

JANUARY 28, 2020

CALL TO ORDER

The Newberry Township Board of Supervisors held their regular meeting at the Township Municipal Building, 1915 Old Trail Road, Etners, PA. The meeting was called to order by Chairman David Kirkpatrick at 6:14 P.M. Chairman Kirkpatrick proceeded with the pledge to the flag. Present at the meeting were Vice-Chairman Maxine Kauffman, Supervisor Brandt Cook, Supervisor Clair Wintermyer, and Supervisor Tony Miller. Also present were Chief Steven Lutz, Public Works Director Scott Getgen, Wastewater Coordinator Brent Zeiders, Engineer Bill Rudy, Solicitor Andrew Miller, Codes & Zoning Officer Jeff Martz.

Chairman Kirkpatrick requested to keep all comments to a five-minute limit.

PUBLIC COMMENT

Steve Forry, 45 Maplewood Dr. prayed for the Community and the meeting.

Tom Adams, 1610 Valley Rd. Asked the board who is responsible for the trash that is being dumped along the river- Stillhouse Rd. Chairman Kirkpatrick advised resident to try to get the plate number and call the police if he or other community members see someone dumping trash. Supervisor Wintermyer confirmed with Chief Lutz that cameras had been placed in that area for a period of time with no activity.

Mike Haugh, 355 River Rd. Shared that he feels the residents should not be responsible to pay for costs associated with Save Rite. He also shared his overall displeasure and concern with how permits were issued when previous boards denied requests in the past. Chairman Kirkpatrick confirmed with the Solicitor Andy Miller that this case is currently in litigation. Solicitor Miller advised the board not to make further comment on these issues as it is a current case. Mr. Haugh further stated the board should make it right. Supervisor Miller clarified that the board does take issues raised by all residents seriously and then read an excerpt from December's meeting minutes where he addressed Mr. Haugh's accusations about the board not doing the township people justice.

Paul Donley, 230 Paddletown Rd. Ask the board when will the mud be cleared off the road. He stated his neighbor's ongoing construction and grading of the property has caused an issue with the road being covered with mud. Jeff confirmed the homeowner and contractor have been contacted to address these issues and that a silk sock was installed but now looks to have failed. Chairman Kirkpatrick suggested Jeff reach out to Tiffany at York County Conservation so she can take care of this.

Nathan Mohr, 220 Paddletown Rd. Addressed the board to share his concern with the mud on the road due to the issues referenced by Paul Donley and that the silk sock installed is too small and has failed.

Mario Eckard, 150 Midway Rd. Questioned the board about how the increase in taxes were calculated. How was the increase from 2.2 to 2.4 justified? Supervisor Tony Miller stated there was a budget meeting with proposed budget from all departments and that the expenditures were

over what the revenue was. 2020 Expenditures were \$6,640,935.00 and 2020 Revenues were \$5,940,025.00. Supervisor Wintermyer inquired as to why a Comprehensive Annual Financial Report (CAFR) hasn't been done since 2015. Mr. Eckard stated this report is mandated by second-class township code and requests that this be reinstated going forward so that Supervisors and people of the township will know where the money is being spent and whether or not the budget is being adhered to before year-end to make adjustments if needed. Mr. Eckard also felt that increases in taxes should not be the first step when the budget is out of balance, but that the board should look first to curb spending.

MINUTES

Motion made by Supervisor Miller, seconded by Supervisor Cook, to approve the minutes from the December 10, 2019 Board of Supervisors Meeting. Vote on Motion. 4 ayes
Motion made by Supervisor Cook, seconded by Supervisor Miller, to approve the minutes from the January 6, 2020 Re-Organization Meeting. Vote on Motion. 4 ayes. Motion carried.

REPORTS

Highway: Scott provided a written report. He also answered questions about placement requirements of the recently installed no parking signs in relation to Ordinance 412. Supervisor Miller commented that he has received several complaints regarding placement and asked Scott to take a look.

Police: Chief Lutz provided a written report.

Fire & EMS: Newberry Township EMS and the Newberry Township Fire Department provided written reports.

Zoning: Jeff provided a written report.

Solicitor: Andrew Miller provided a written report, and asked the board for a motion to sign the letter to Fulton Bank supplied by the Solicitor's office to reduce the existing surety bond for Apple Orchard Court Subdivision. Motion made by Supervisor Miller, seconded by Vice-Chairman Kauffman to approve and sign the letter provided by the solicitor to reduce the existing bond for Apple Orchard Ct. Vote on Motion. 4 ayes. Motion carried.

Engineer: Bill provided a written report. Motion made by Supervisor Miller, seconded by Supervisor Cook to sign the plans for the traffic light study. Vote on motion. 4 ayes. Motion carried.

Sewer Department: Brent Zeiders provided a written report.

Manager: None.

Supervisors: Chairman Kirkpatrick announced the board closed the job opening for the Township Manager position as of Monday, January 27th, 2020. The position was posted on the township website, Facebook page, PSATS website, Indeed, and the Blue Ridge cable TV local

channel. 28 resumes/applications were received and interviews will be conducted in an executive session.

Treasurer: Jane Deamer, provided a written report. Supervisor Miller thanked Jane for a job well done on the report.

Chairman Kirkpatrick addressed the Department heads of the township to please submit their respective reports by close of business the Thursday prior to the Board of Supervisors meeting.

OLD BUSINESS

NEW BUSINESS

Chairman Kirkpatrick announced that the life insurance discrepancy was discussed in Executive session and was placed on the agenda in error.

Discuss cell phone plan options. Chairman Kirkpatrick spoke about the possibility of joining with the Police Department cell phone plan to consolidate all the plans within the township to Verizon to take advantage of any bundling discounts that may be offered. Supervisor Miller mentioned there are currently two cell phones (Admin.) and two tablets (Highway) under Sprint, and the Sewer dept. is on another plan. He also states Verizon is offering an attractive price, Supervisor Wintermyer confirmed that Chief Lutz is satisfied with service. Motion made by Supervisor Miller, seconded by Supervisor Wintermyer to consolidate cell phone, and two tablets plans for Admin, Highway and Sewer dept. with the police contract.

Approve the 2020 Emergency Operations Plan Tom Alstead explained this plan needed to be updated since two or more Supervisors were replaced. Motion made by Supervisor Miller, seconded by Supervisor Cook to approve the 2020 Emergency Operations Plan. Vote on Motion. 4 ayes. Motion carried.

Mr. Steve Forry asked Tom Alstead if there were any updates on Three-mile island. It is likely grant money will stop next year as well as bi-annual drills.

Approve Mark Doemland's resignation from the Board of Auditors Motion made by Supervisor Miller, seconded by Supervisor Kauffman to accept Mark Doemland's resignation as of January 07, 2020. Vote on motion. 4 ayes. Motion carried.

Appoint David Cantrell as interim Board of Auditors Motion made by Supervisor Miller, seconded by supervisor Cook to appoint David Cantrell as interim Auditor to the Board of Auditors for the remainder of Mark Doemland's term. Vote on motion. 3 ayes. Motion Carried.

Appoint Vacancy Chairman Motion made by Supervisor Miller, seconded by Vice- Chairman Kauffman to appoint Dave Parsons as the Vacancy Board Chairman. Supervisor Wintermyer asked the solicitor if the Vacancy Board Chairman has a say in appointing the Township manager, and if so, he feels Supervisor Miller should refrain from being a part of the vote since he has applied to that position. Solicitor Andrew Miller replied that no, the Vacancy Board

Chairman does not, he would however, have a vote in appointing a Supervisor if one were to resign, if there was a tie between the remaining four supervisors. Supervisors appoint the Township Manager position. Supervisor Wintermyer further objected because this vote would possibly put Dave Parsons in the position to vote for the Supervisor that would in turn put Supervisor Miller in as the township manager. Vice-Chairman Kauffman pointed out that anyone who was appointed to that position would have that ability and shouldn't affect whether or not Supervisor Miller votes for this appointment. Supervisor Wintermyer stated the board should review and consider one of the many applications received for this appointment, several comments of agreement from the township people, including Tom Alstead, who feels due diligence should be done by the board to consider the best candidate for the role. Supervisor Miller stated that David Parsons has been coming to meetings probably longer than himself and this position along with other appointed positions do not require an application or consideration by the board, there is a motion on the floor and he asked the Chairman to please call for a vote. Vote on motion. 3 ayes. 2 nays. Motion carried.

Re-open the Budget Chairman Kirkpatrick suggested re-opening the budget to stop charging the sewer department \$75,000 administration fees because it is no longer the sewer authority and should be treated as other departments within the township. Which he states would lower resident's sewer bills. He suggested taking the 2020 budgeted charge of \$75,000 out of the General Fund and paying down the sewer bond stating that another bond would be required soon. Solicitor Andrew Miller cautioned there is usually a cash management policy in regards to how, when or how much a bond can be paid down or if it can be prepaid or put in a sinking fund. He also gave options as to how the board could make this change if it were approved. One option would be to have a resolution drawn up if it were a matter of simply moving one-line item on the budget from one department to the next, i.e. General fund back to Sewer. The other option would be to open the budget, which there is a policy that provides guidelines that must be adhered to in order to amend the budget. It must be re-advertised and adopted by 2/15/20. Other stipulations provide that the overall budget not be changed more than 10% overall or more than 25% on any one individual line item. Supervisor Miller states there is other money sitting in the sewer budget if the point is to pay down the bond and further that the proposed action would not save the resident's money on their sewer bill. Motion made by Chairman Kirkpatrick, seconded by Supervisor Wintermyer to remove the \$75,000 charge to the sewer department and pay down the bond or put in a bond redemption fund- whichever would assist in paying down the bond. Voted on Motion. 2 ayes. 3 nays. Motion not carried.

Approve the Chairman to be bonded Motion made by Chairman Kirkpatrick, seconded by Supervisor Wintermyer to appoint Chairman Kirkpatrick to be bonded. Vote on motion. 4 ayes. Motion carried.

Approval to allow dosing tank replacement on 1000 Pleasant Grove Rd. Motion made by Supervisor Miller, seconded by Supervisor Cook to allow the dosing tank replacement on 1000 Pleasant Grove Rd. Vote on Motion. 4 ayes. Motion carried.

New Construction Impact Fee Chairman Kirkpatrick is looking to implement a new construction impact fee of .66/sq. ft. on new builds over and above the highway budget. Solicitor Andrew Miller states the first steps to adopting this is to have an impact study done and a new

ordinance drawn up. Pennoni & Assoc. has a traffic division and could possibly put together a presentation for the next meeting to see if the investment is worthwhile in regards to costs and future potential fees collected. Supervisor Wintermyer questions whether or not this fee would be a deterrent to developers when deciding to build in our township vs. another local township that does not charge an impact fee. Supervisors Cook and Miller are also concerned. Bill Rudy agrees to have his office put together a presentation for next month's meeting.

Heating issues at the Admin. Bldg. Two quotes received to correct the heating issues, HB McClure and C.F ACRI and SON. Motion made by Supervisor Miller, seconded by Supervisor Wintermyer to approve the contract with C.F. ACRI AND SON for \$1,112.00 for quoted work. Vote on motion. 3 ayes. Motion carried.

Approve the Chairman to act as interim Secretary of the township until a manager is hired Motion made by Supervisor Wintermyer, seconded by Chairman Kirkpatrick to appoint the Chairman as interim secretary. Solicitor Miller interjected to state Chairman Kirkpatrick can second the vote and vote for himself with the caveat added he will not take financial compensation for this interim appointment. Chairman Kirkpatrick agrees to this caveat. Vote on Motion. 2 ayes. 3 nays. Motion not carried. Comptroller Deamer addresses the board, stating she had agreement from Supervisor Miller, Cook and Wintermyer to file paperwork with the state for the benefit of the Township with the Chairman listed as secretary to be officially voted in at the next meeting with no contestation. Solicitor Miller states that this appointment can be ratified to allow for that one document to be signed by Chairman Kirkpatrick as Secretary while appointing someone else as Interim Secretary until the position of Manager is filled. Motion made by Vice-Chairman Kauffman, seconded by Supervisor Cook to appoint Supervisor Miller as interim secretary until a township manager is hired. Supervisor Miller states he will not take compensation while fulfilling his duties as interim secretary as well. Vote on motion. 3 ayes. Motion carried.

Approval of Boundary for Census Motion made by Supervisor Kirkpatrick, seconded by Supervisor Cook to approve the 2020 Boundary for the Census. Vote on Motion. 3 ayes. Motion carried.

Discuss Ordinance regulating truck traffic on River Rd./Midway Rd. Solicitor Miller reminded the meeting of the extension of the moratorium voted on last meeting in regards to enforcement of Ordinance 408. Discussion took place to clarify changes needed in the existing ordinance and Solicitor Miller suggested the ordinance be repealed and replaced, and will provide this revision to be advertised as required. Motion made by Supervisor Miller, seconded by Supervisor Cook to adopt and advertise Ordinance 408 with changes to 1A, 2A, and additional Whereas clauses. Vote on Motion. 3 ayes. Motion carried.

Towing List for PD Motion made by Vice-Chairman Kauffman, seconded by Supervisor Miller to have Supervisor Wintermyer take over the towing list currently administered by Chief Lutz. Vote on motion. 3 ayes. Motion carried.

Discuss need of Special Meeting Chairman Kirkpatrick would like a motion for Christie Fournier to be given the list of applicants for the township manager position to set up interviews for the position to be held in executive session. Motion made by Supervisor Miller, seconded by

Chairman Kirkpatrick to give Christie Fournier the list of interviewees to be contacted and that all interviews will be completed no later than February 9, 2020 and the selection vote be held on February 11, 2020. Vote on Motion. 4 ayes. Motion carried.

Appointment of interim office Supervisor Motion made by Supervisor Miller, seconded by Supervisor Cook to appoint Jane Deamer the interim supervisor of the township staff to include Jeff Martz, Christie Fournier, and Angela Seitz until a manager can be selected and appointed. Jane will be instructed to handle day to day supervisory responsibilities with regards to staffing, time keeping, time off, scheduling, and reasonable guidance. Any senior level management decisions, directions, collective bargaining issues, or personnel issues should be sent in an email to all five Board members for a consensus on direction. Vote on motion. 3 ayes. Motion carried.

Discuss two proposals for use of vacant land West Shore Lacrosse Club and RexRoth farms is interested in entering a lease agreement with the township. General discussion took place about options to have the land put to use. Christie Fournier will look for previous lease agreement with Red Land Baseball.

Vice-Chairman Kauffman addressed the meeting to state that the lowest bid was taken for the garbage contract, that the board is required to take the lowest bid and they did. Supervisor Wintermyer stated the board did not take the lowest bid. Solicitor Miller stated the bid proposals were to be considered by pay by volume, that the pay per bag (recycle only option) was not to be taken into consideration. Supervisor Wintermyer stated the township has the ability to reject any bids that come in and should have done so to negotiate a better price for all residents. David Parsons spoke from the audience to share he had bad service as did a few of the supervisors, to which an unnamed woman from the audience stated that was not her experience. Another township audience member asked if the contract is void with the sale of Penn Waste. Supervisor Wintermyer and Vice-Chairman Kauffman answered no, the sale does not affect the contract.

SUBDIVISION AND LAND DEVELOPMENT

None.

PAYMENT OF BILLS

Motion made by Supervisor Miller, seconded by Supervisor Cook, to approve check Numbers: (66817-66931) (66932-VOID) (66933-66978) (12313-12376) (2011-2017) (1013-1017) (3161-3167) Vote on Motion. 3 ayes. Motion Carried.

EXECUTIVE SESSION

The Board recessed to Executive Session at 8:27 P.M. to discuss personnel.

ADJOURNMENT

Motion made by Supervisor Cook, seconded by Supervisor Miller, to adjourn the January 28, 2020 Board of Supervisors Meeting. Vote on Motion. 4 Ayes. Motion carried.

The Meeting was adjourned at 9:05 P.M.

Respectfully Submitted,