

**BOARD OF SUPERVISORS
MINUTES**

February 25th, 2020

CALL TO ORDER

The Newberry Township Board of Supervisors held their regular meeting at the Township Municipal Building, 1915 Old Trail Road, Etters, PA. The meeting was called to order by Chairman David Kirkpatrick at 6:02 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

Pastor Francesco- Yocumtown Church of God, prayed for the Community and the meeting.

Alicia Rouscher- GOA representative presented the 2nd Amendment Sanctuary to the township. A copy is available for review at the township building.

David Parsons- Stated he was sad to see Angela Seitz is leaving the township and inquired about the search for a new Township manager. Chairman Kirkpatrick stated applications will be taken until March 13th. Dave then questioned the 2/14 meeting/conference mission BBQ line item on the bills list. Chairman Kirkpatrick clarified that it was the police banquet. Mr. Parsons inquired about whether this was an annual meeting and asked the guest count. He also asked Chief Lutz to clarify why there were two checks listed in the bills list for vehicles- Chief Lutz stated that particular bill was split at his request to show the delineation between the K9 unit upfit to install cage/lights and sirens and the other police vehicles.

Mike Haugh, 355 River Rd. – Thanked the board for the school bus signs he previously requested. He stated his concern in regards to the change in traffic and River Rd. He pleaded with the board to please consider deferring the approval of the latest ordinance. He further stated resident's safety is involved therefore a deference would allow the board more time to review.

Tom Rheam, 210 River Rd. – Questioned Ord. 413, whether there were any road improvements done, or if LKQ was required to widen their driveway. He stated the traffic study done told the township there would be issues and that is why Ord. 408 was passed. He relayed a first hand account of witnessing a tractor trailer turning right on River Rd. almost hitting a car. Tom requested that the board push back the approval for this ordinance. He also stated Chief Lutz gave LKQ a copy of the ordinance back in September and he feels a copy should have been provided to the residents as well. Tom requested that the township read LKQ's mission statement and to think before voting because this is a residential zone, not industrial. He further stated that

ordinances are passed to protect residents and that businesses in the area need to adapt to the location, not the other way around. He questioned whether travel trailers were allowed under the new ordinance and it was answered, yes, they are.

Katlin Harvey, 2116 York Haven Rd. – Inquired as to why she was included on the towing list at the end of 2019 and that she filled out the paperwork to be included for this year and she was on the list until recently. Supervisor Wintermyer deferred this to Codes and Zoning officer Jeff Martz who stated this was being looked into.

MINUTES

Motion made by Vice Chairman Kauffman, seconded by Supervisor Miller to approve the minutes from the January, 28th 2020 Board of Supervisors Meeting. Vote on Motion. 5 ayes

REPORTS

Highway: Scott provided a written report. Supervisor Miller stated he received a letter from the HOA regarding sign placement in reference to the parking ordinance passed last month.

Police: Chief Lutz provided a written report. He also announced that Lt. Ditty was accepted to the FBI academy

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.

Engineer: Bill Rudy provided a written report.

Sewer Department: Brent Zeiders provided a written report.

Treasurer: Jane Deamer provided a written report

Manager: None.

Supervisors: Supervisor Tony Miller read his prepared statement:

“I want to take this opportunity to publicly set the record straight on some statements that have been propagated about me in social media and in general discussions that I have been made aware of.

These statements are meant to purposely discredit my integrity, professionalism, performance as a Supervisor and Chairman on this Board, and my personal reputation. These statements have zero factual basis or supporting data and are simply false.

For the four years I have spent as your elected Supervisor, and one year as the Chairman of this Board, I have been steadfast in my approach to every issue. I have held true to my campaign

promises to be a leader with integrity and to always make my decisions with the best interest of our residents at heart and mind. I have strived to listen and be fair minded to all residents concerns even if I disagreed with them. I have tried to always make my decisions after obtaining as much facts, data and opinions as possible. I have always been accessible by phone or email. My number one goal and has always been to do what is right for the township and its residents. For the short and long term.

I want to thank the many residents who not only supported me in my election, but who continue to support me even after a few have tried to discredit me. My supporters know the truth.

Lastly, I read lately something profound that is totally relevant to the current state of slanderous activity. I quote” the next time you hear someone bad mouthing you, just remember that they have no other way of feeling good about themselves, so the have to indulge in slander and gossip just to feel good. So, allow them to have their moment of joy and rejoice in the fact that you are important enough for them to spend so much time talking about you”.

Mark Twain also wrote “the only thing worse than being talked about, is not being talked about”

OLD BUSINESS

Ordinance 413- Solicitor Miller says this ordinance is actionable tonight as it has been advertised. Supervisor Miller requested a moment to read it through.

Motion made by Supervisor Cook, seconded by Supervisor Miller to approve Ordinance 413 as advertised. Vote on motion. 4 ayes, 1 nay. Motion carried.

NEW BUSINESS

Storage Unit purchase for Police Dept. Motion made by Supervisor Cook, seconded by Vice Chairman Kauffman to purchase a storage unit. Vote on motion. 5 ayes. Motion carried.

Two resident email requests for permanent trash exemptions. There was general discussion of whether or not a “permanent” exemption is appropriate for any property within the township. It was clarified that the word “permanent” was used in error, the exemptions requested were for a vacant property and a small business owner who had a dumpster available at one of his locations within the township separate from his home. The township does not allow for individuals to haul their own trash and this would be the case of the business owner using his business dumpster for his home at another address. The decision to grant an exemption to the ordinance requiring trash service will be tabled for the time being. The refuse ordinance needs to be reviewed.

Bond refinancing options were discussed with Brian Bradley, he stated rates are at a historical low. Supervisor Cook asked the timeframe to do this- 2-3 months will be needed to have the ordinance advertised. It was also confirmed that if rates drop in that time frame that the township would benefit by also getting the lower rate. Mr. Bradley asked for approval to move forward to advertise the fees which is the only cost as of now. Solicitor Miller advised the board to consider any capitol projects that may be needed in the future and to meet with the engineer and sewer dept. to determine those needs. Solicitor Miller also suggested the board authorize the advertisement of the bond offering and to send out RFP’s (Request for Proposals) to the banks and a decision can be made at a later date. Motion made by Supervisor Miller, seconded by Vice

Chairman Kauffman to advertise the public bond refinancing and to send out requests for proposals. Vote on Motion. 5 ayes. Motion carried.

Firewall quote and Highway dept. connection access quote from Central PA Technologies. Motion made by Supervisor Miller, seconded by Supervisor Cook to approve the two quotes by CPAT. Vote on motion. 5 ayes. Motion carried.

York County Parks dept. requested use of Shelley park for their “Get out in York” program. Motion made by Supervisor Cook, seconded by Supervisor Miller to approve the use of Shelley park for this program. Vote on Motion. 5 ayes. Motion carried.

Ratify resignation: Motion made by Supervisor Miller, seconded by Supervisor Cook to ratify Angela Seitz’s resignation. Vote on motion. 5 ayes. Motion carried.

Adopt resolution 2020-10 Planning Module for Michael Duncan- 3300 Loop Rd. – Motion made by Supervisor Miller, seconded by Supervisor Cook to adopt Resolution 2020-10. Vote on motion. 5 ayes. Motion carried.

Trailer for EMA- Costs for this trailer is completely funded by Grant money awarded to EMA. Motion made to allow purchase of trailer with grant funds by Supervisor Wintermyer, seconded by Vice Chairman Kauffman. Vote on motion. 5 ayes. Motion carried.

Portable toilet bids for parks- Bid awarded to Walters & Associated Products. Motion made by Supervisor Miller, seconded by Vice Chairman Kauffman to award the lowest bidder on the portable toilet contract- Walters & Associated Products. Vote on motion. 5 ayes. Motion carried.

Memorandum of Disclosure by Supervisor Miller: Supervisor Miller read the following statement of disclosure dated 2/25/2020:

“Honorable members of the Newberry Township Board of Supervisors,
Whereas the Board of Supervisors are, and have been, conducting a talent search for the vacant township Manager position.

Whereas the vacant position was posted on multiple social media sites and the township website.

Whereas I have submitted my letter of interest and resume for consideration of the position and, I have abstained from any deliberation and/or voting during the talent search process to date to fill the vacant position.

Therefore, this memorandum fulfills the requirements set forth in the Pennsylvania Public Official and Employee Ethics Act 170, section 1103 subsection (j) Voting, for disclosure in a public meeting by memorandum.

This memorandum shall be placed in the meeting minutes as a matter of record.”

Supervisor Miller then made a motion for Solicitor Miller to research the exception to allow a conflicted member of the board to cast a vote in a situation where there is a tie vote.

Mr. James Dorwart of 1375 Old Quaker Rd. interjected that the solicitor should do more research on this issue and that it may be an ethics issue for him to fulfill this request as it is for Supervisor Miller's personal gain and not to the benefit of the township. Solicitor Miller answered back that there is no ethics issue from Supervisor Miller asking him to look into a matter that pertains to the Supervisors of this township. He continued that it is well within the rights of the Supervisor to request guidance on this issue. Mr. Dorwart reiterated that Supervisor Miller's request is for his personal gain to research whether he is allowed vote for himself into the position of Township Manager which is a paid position. Supervisor Wintermyer asks to allow for the question to be asked as Solicitor Miller has said, it's just a question.

Vice Chairman Kauffman seconds the motion Supervisor Miller made. Vote on Motion. 5 ayes. Motion carried.

Adopt Resolution 2020-11 to establish guidelines authorizing arrest w/out a warrant-

Solicitor Miller states the current resolution on file is not legible and requests that the board have the resolution restated with a clear date and number to clarify and ratify what is on record. Chief Lutz states he has a copy of a copy and needs a clear and concise resolution to provide to the other townships that we service as they do not have it on file.

Motion made by Vice Chairman Kauffman, seconded by Supervisor Cook to adopt resolution 2020-11 to establish guidelines authorizing arrest without a warrant. Vote on motion. 5 ayes. Motion carried.

To add, Chairman Kirkpatrick asks that the solicitor come up with a panhandling ordinance.

Motion made by Vice Chairman Kauffman to adopt an ordinance on panhandling, seconded by Supervisor Miller. Vote on motion. 5 ayes. Motion carried.

Public Works Director, Scott Getgen asked Chairman Kirkpatrick to make a motion to advertise the bid as prepared by the solicitor. Motion made by Supervisor Miller, seconded by Supervisor Cook. Vote on motion. 5 ayes. Motion carried.

SUBDIVISION AND LAND DEVELOPMENT

None.

PAYMENT OF BILLS

Motion made by Supervisor Miller, seconded by Vice Chairman Kauffman, to approve payment of bills and check numbers: (66979-67064) (1018) (3168-3176) (12377-12413) Vote on Motion. 5 ayes. Motion Carried.

EXECUTIVE SESSION

The Board recessed to Executive Session at 8:07 P.M. to discuss legal issues, Right to Know, and employment issues.

ADJOURNMENT

Motion made by Supervisor Cook, seconded by Supervisor Miller, to adjourn the February 25th, 2020 Board of Supervisors Meeting. Vote on Motion. 5 Ayes. Motion carried.

The Meeting was adjourned at 10:06 P.M.

Respectfully Submitted,