

**BOARD OF SUPERVISORS  
MINUTES**

**July 28, 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 6:01 P.M. Chairman Kirkpatrick proceeded with the pledge to the flag. Present at the meeting were Vice-Chairman Maxine Kauffman, Supervisor Clair Wintermyer, and Solicitor Andrew Miller. Present via phone call: Supervisor Miller. Not present, Supervisor Brandt Cook.

Chairman Kirkpatrick announced executive session about cyber security with the IT people.

**PUBLIC COMMENT- *Read by Chairman Kirkpatrick:***

Email complaint from: Gary Cassell: 70 Ridge Rd. & Stephanie Hawkins 80 Ridge Rd. jointly. Gary and Stephanie accuse Mr. Harkins of 2130 Potts Hill Rd. Etters of operating his business or portion thereof, Harcon General Services at his home- which is zoned for Rural Resource. They further claim they've seen the storage of large construction vehicles and trucks, loading of construction vehicles, arrival and departure of construction vehicles throughout the day, arrival and departure of employees to begin a workday and departing at the end of the workday. All were previously reported to the Newberry Zoning Officer when initially observed. They also state that although the condition of Mr. Harkins property around the pole barn is not up to the standard of a Rural Resource property- there has been a reduction in activity pertaining to the operation of his business. However, employees still assemble to begin their workday and there are still a few large construction vehicles being stored on the property. They admit there has been improvement during 2020 after evidence was submitted to Newberry Township- Zoning officer and BOS, but they have not received any feedback from Township until Mr. Wintermyer met with Gary and had a brief conversation with Mr. Kirkpatrick They are looking for written documentation that they can maintain on file that can be referenced should a similar situation develop in the future as they do not have any documentation regarding township action. Chairman Kirkpatrick stated the township has not provided receipt over a written complaint. Supervisor Wintermyer states that he has spoken to Mr. Harkins and he agrees to disconnect his beepers when working on his house. Mr. Harkins has also taken most of his big equipment to his other property on Old York Rd.

Tom Brown- 1880 Valley Green Rd.- Water runoff issues with neighbor, fireworks shooting above home as well. Supervisor Wintermyer went out to discuss with Mr. Brown, he states this is all a civil issue.

**MINUTES**

Motion made by Supervisor Wintermyer, seconded by Vice-Chairman Kauffman, to approve the July meeting minutes from July 28, 2020. Vote on motion. 4 ayes. Motion carried.

## **REPORTS**

**Highway:** Scott provided a written report. Scott added that in the last month, they've cut shoulders on Church, Valley Green Rd. and Midway Rd. still need to cut River Rd. and Stevens Rd. The dept. needs to finish base repair started on Midway and Church and Stevens. Completed 1<sup>st</sup> round of roadside mowing and continuing to boom mow. Sprayed the ball fields and playgrounds for weeds. Will drag the fields again in a few weeks. Old Trail Rd. work is to start Thursday and Friday doing one lane each day. It will need to cure for two weeks, then Kinsley will be in to do the overlay. The plan is to shut down that part of the road from Fisher's auto to Sheep bridge just during the day. Engineer Bill Rudy suggested putting something on the website about this work. E.K. Services got a hold of Scott about the water company and Sam Snead Circle- the water company is going to rebuild half of that street base and top. Scott discussed with them about pricing for overlaying the other half. Which involves them hauling in the material and laying it, and we the township buying the material with them billing us for it. The quote from them to haul and place it was approx. \$10,500 and the project will take about 320 ton of material for about \$19,000. For less than \$30,000 we will have a brand-new road and it was bad before and needed to be done. 22,500 square feet of road. Motion made by Supervisor Miller to spend the money to repave the road seconded by Vice-Chairman Kauffman. Vote on motion. 4 ayes. Motion carried.

Supervisor Wintermyer addressed Paddletown road. He stated he took pictures and spoke to Tiffany at York Conservation. The township can't do anything until we get the go ahead from York County.

**Police:** Chief Lutz provided a written report.

**Fire & EMS:** Provided written reports.

**Zoning:** Jeff provided a written report.

**Solicitor-** Provided Written report, would also like to request an executive session to discuss possible litigation matter.

**Engineer:** Bill Rudy provided a written report.

**Sewer Department:** Brent Zeiders provided a written report.

**Treasurer:** Jane Deamer provided a written report.

**Manager:** -

**Supervisors:** Facebook page is up and running, Christie got that up and running. All plans during all monthly meetings will be available on the T.V.

## **OLD BUSINESS**

Hold off on Noise ordinance until an open meeting is available for the residents

## NEW BUSINESS

**Approve typo correction** from Re-organization meeting documents should be changed from 7/16 to 7/06 for Trevor Stuck's anniversary date. Motion made by Vice-Chairman Kauffman, seconded by Supervisor Wintermyer to approve the change to Trevor Stuck's anniversary date. Vote on motion. 4 ayes. Motion carried.

**Approve Arro Engineering for consulting manager-** Supervisor Wintermyer made the motion to approve hiring the consulting manager. Vice-Chairman Kauffman asked the price for this. Chairman Kirkpatrick replied one thousand dollars a week and as we use him. Supervisor Wintermyer clarified- "IF we use him for the whole week." Vice-Chairman asked, "So is it one thousand for the whole week?" Supervisor Wintermyer confirmed that it "could be up to a thousand dollars for the week, yeah." Chairman Kirkpatrick concurred, yes, it could be up to one thousand per week. Vice-Chairman clarified that the township is not going to use him every week. Both Chairman Kirkpatrick and Supervisor Wintermyer confirmed, No. Supervisor Wintermyer added that the township doesn't have to pay for insurance for him either. Tony added that there is a plan put together for what this consulting manager is going to do. Chairman Kirkpatrick replied yes, he emailed the stuff out. He also announced so the public is aware, the township is hiring a consulting manager is going to come in to ensure that all paperwork is filed properly with all agencies that we need to file with, help us with getting grants and put together our budget for next year and hire a township manager. Supervisor Miller added that this is temporary, and the intent of the township is to hire a manager for beginning of next year. Motion made by Supervisor Miller, seconded by Vice-Chairman Kauffman to hire Arro Engineering for a consulting manager. Vote on motion. 4 ayes. Motion carried.

**Conditional Use Hearing.** Bill Rudy, Township Engineer- Before next month's BOS meeting there will be a conditional use hearing for a veterinary office that is coming to the township on the Old Trail rd. that is in a zone that requires public sewer but there is not currently sewer available. Motion made by Vice-Chairman Kauffman to advertise the conditional use hearing on August 25, 2020 Seconded by Supervisor Wintermyer. Vote on motion. 4 ayes. Motion Carried.

**160 Cragmoor Rd.** – Solicitor Miller states there was a building permit pulled to construct a residential dwelling at this location. That lot was approved back in the early 2000's prior to the current zoning ordinance. It is accessed only by a private lane. There was a conditional use granted to create the lot and allow for joint use of the private lane. Once construction started, the neighboring property owner contacted Newberry Township's zoning officer, Jeff Martz, and their counsel contacted Mr. Miller's office and filed a zoning appeal to challenge the issuance of the building permit for that lot. The result of filing that appeal is that it stays any progress and stops further activity in constructing the house. The township had to issue a cease and desist letter to the constructing property owner until the hearing is resolved. The zoning hearing is scheduled for August 24, 2020. Mr. Miller states he is asking the board whether they want his office to go and defend the township's decision of issuing the building permit. Vice- Chairman Kauffman states she'd like to see Mr. Miller represent the township's decision. Supervisor Miller concurs. Motion made by Vice-Chairman Kauffman made the motion to have the solicitor to act as an intervenor in this case seconded by Supervisor Miller. Vote on motion. 4 ayes. Motion carried. Supervisor Wintermyer asked for clarification on why the township stopped the progress

of construction. Chairman Kirkpatrick and Solicitor Miller state, they can discuss that in executive session and explain why.

**Join Capital Area Council of Governments-** Chairman Kirkpatrick states he'd like the township to join CACG for joint bidding, Bill Rudy states that the MS4 resources are beneficial as well. Chairman Kirkpatrick stated they also help look for a manager. Vice-Chairman Kauffman asked the cost, Chairman Kirkpatrick answered \$1,500.00. The MS4 stuff they do and the advertising and community outreach which are required help the township with their requirements, Chairman Kirkpatrick adds that they have a surplus equipment sale each year and feels it's a great resource. Supervisor Miller thinks it's a good idea. Motion made by Vice-Chairman Kauffman, seconded by Supervisor Wintermyer to join CACG. Vote on motion 4 ayes. Motion Carried.

**Ratify hiring office assistant-** Jane and staff did interviews. An offer was made. Vice-Chairman Kauffman asked if a background check was done. Chairman Kirkpatrick states Chief Lutz did a background check. Chief Lutz states he can't do the type of background check Vice-Chairman Kauffman thinks he can do. His is reserved for hiring officers. Vice-Chairman Kauffman asked the Chief about fingerprinting new employees. Chief Lutz states he stores his officer's fingerprints but sends them to the state for clearances due to the sensitivity of the information they handle. He adds his secretaries fingerprint people off the street all the time. Supervisor Miller asked if they can state the person's name that is being hired. Chairman Kirkpatrick states she would like them to refrain from saying her name until she is formally hired. Supervisor Miller made a motion, seconded by Supervisor Wintermyer to ratify the hiring of the office assistant at \$18.00/hour. Vote on motion. 4 ayes. Motion carried. Supervisor Miller also thanked Jane Deamer for doing an outstanding job during this process.

Vice-Chairman added she would like to further discuss fingerprinting the employees.

**Authorize and advertise change to the pension plan age requirement from 21 years old to 18 years old.** Solicitor Miller states he checked with both RJ Hall Co., and Cory Iannacone, labor attorney to ensure there won't be a negative impact to the pension and collective bargaining unit. Both are fine with this change. Motion made by Vice-Chairman, seconded by Supervisor Wintermyer to advertise the proposed change to the age requirement from 21 to 18 years of age in the pension plan. Vote on motion. 4 ayes. Motion carried.

**Goodman Drive-**Prepare amendment to address the fire hydrants and streetlights. We do have a traffic improvements agreement that states Goodman is responsible for maintenance costs on Goodman Dr. that doesn't specifically mention hydrants or streetlights. Mr. Miller suggests the amendment to clarify these for ease of collection if the property changes hands in the future. Solicitor Miller states he will likely ask Goodman's attorney to draft the initial document to help defray those initial costs from the township. Motion made by Vice-Chairman Kauffman, seconded by Supervisor Miller to prepare an amendment to specifically address fire hydrants and streetlights on Goodman Dr. Vote on motion. 4 ayes. Motion carried.

## **SUBDIVISION AND LAND DEVELOPMENT**

Final Minor Subdivision 350 Hemlock Ln. – Engineer Bill Rudy states this has already been approved by the planning commission and he has no issues with this.

Motion made by Vice-Chairman Kauffman, seconded by Supervisor Wintermyer to grant waivers 402.01.9.J. Vote on motion. 4 ayes. Motion carried.

Motion made by Vice-Chairman Kauffman, seconded by Supervisor Miller to grant waiver 403.01.A context map. Vote on motion. 4 ayes. Motion carried.

Motion made by Vice-Chairman Kauffman seconded by Supervisor Wintermyer, to approve this subdivision conditioned upon the engineer's questions. Vote on Motion. 4 ayes. Motion carried.

#### **PAYMENT OF BILLS**

Motion made by Supervisor Miller, seconded by Vice-Chairman Kauffman, to approve payment of bills as listed: (67385-67397) (Void 67398) (67399-67490) (2034-2036) (1034-1036) (3198-3203) (12501-12524) Vote on Motion. 4 ayes. Motion Carried.

#### **EXECUTIVE SESSION**

The Board recessed to Executive Session at 6:47 P.M. to discuss legal issues.

Reconvened from executive session at 7:40.

#### **ADJOURNMENT**

Motion made by Supervisor Miller, seconded by Vice-Chairman Kauffman to adjourn the July, 28, 2020 Board of Supervisors Meeting. Vote on Motion. 4 Ayes. Motion carried.

The Meeting was adjourned at 7:41 P.M.

Respectfully Submitted,