

**BOARD OF SUPERVISORS
MINUTES**

August 25, 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 6:00 P.M. Chairman Kirkpatrick proceeded with the pledge to the flag. Present at the meeting were Vice-Chairman Maxine Kauffman, Supervisor Clair Wintermyer, Supervisor Brandt Cook and Solicitor Andrew Miller. Present via phone call: Supervisor Tony Miller.

Chairman Kirkpatrick announced that the township hired a new Administrative Assistant, Darnell Musser.

Vice-Chairman Kauffman spoke about the contract that was signed on August 14, 2020, by Chairman Kirkpatrick, for a manager on an as needed term. The board was unclear if the company was going to charge a bi-weekly fee or only as needed. Motion made by Vice-Chairman Kauffman, seconded by Supervisor Wintermyer, to terminate the contract from August 14, 2020. Vote on motion. 5 Ayes. Motion carried.

PUBLIC COMMENT

No public comment was read.

MINUTES

Motion made by Supervisor Miller, seconded by Supervisor Cook, to approve the July meeting minutes from July 28, 2020. Vote on motion. 5 Ayes. Motion carried.

REPORTS

Highway: Scott provided a written report. Scott added that in the last month, they've cut shoulders on Stevens Rd and did all the base repair. A few weeks ago, cold in place recycling on the Old Trail and that was finished with the overlay and striped last Thursday. The tar and chip contract started last Friday and they finished up this afternoon. This does have to sit for a week the way that it is and then it will all be swept up. EK Services is in the vicinity of Sam's Snead Circle, they are doing patchwork. The line painting guys came, everything is painted except what was tarred and chipped and they'll be back to finish that. All of the No Soliciting signs are now up at all of the entrances to the township. The department had to put quite a few posts up and around 15 Newberry Township signs because only a couple were in place. Boom mowing and the shoulders of the roads are still being done.

Police: Chief Lutz provided a written report. The Chief is asking for approval to sell the van and to purchase a cargo trailer or small enclosed trailer to haul the scales around. The van is overheating and would be less money for maintenance fees if a cargo trailer would be bought. The Explorer was sold for \$9500.00 and it was picked up last week.

Motion made by Vice-Chairman Kauffman, seconded by Supervisor Cook to approve advertising and selling the van to buy a trailer. Vote on motion. 5 Ayes. Motion carried.

Vice-Chairman Kauffman asked about the K9 dogs and they the board does not receive a report on the dogs. Chief Lutz explained that the dogs/officers go to training twice a month, the food is offered through a non-profit, medical expenses are covered by the veterinarian, Dr. Hartman. The township does not incur any cost for the dogs unless something would happen to one of the vehicles. Vice-Chairman Kauffman asked for man hours and the training to be in the report as well as anytime the dog is out on a call.

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.

Motion made by Vice-Chairman Kauffman, seconded by Supervisor Miller to approve the amendment to the Goodman Drive contract. Vote on motion. 5 Ayes. Motion carried.

Sewer Department: Brent Zeiders provided a written report.

Treasurer: Jane Deamer provided a written report.

Manager: -

Supervisors: Vice-Chairman Kauffman stated that the Board of Supervisors had nothing to do with the gambling at Rutter's convenience store. The Board signed a paper stating that they would like to opt out of gambling in the township. The Solicitor made the comment that the paper that was signed was opting out of a mini casino in the township and that Rutter's is considered video gaming. Vice-Chairman Kauffman stated that Rutter's is disgusting and greedy and would like that put on the record. Supervisor Cook suggested an Ordinance for a gaming tax and the solicitor wanted to hold an executive session to discuss.

Supervisor Miller stated that in the Fire Chief's report, the Chief would like the Ordinance to be revisited for the Knox Box Ordinance and have it circulated amongst the Board again for review.

OLD BUSINESS

Nuisance Noise Ordinance

The nuisance noise ordinance will be tabled until next meeting.

Ordinance 415

Motion made by Vice-Chairman Kauffman, seconded by Supervisor Cook to approve Ordinance 415 to adopt the change to the pension plan participation age from 21 to 18 years old. Vote on motion. 5 Ayes. Motion Carried.

Addendum to the Development Agreement

Motion made by Vice-Chairman Kauffman, seconded by Supervisor Miller to approve the final form addendum to the Development Agreement explicitly stating Goodman's obligations to pay for the streetlights to include an obligation to pay for the fire hydrants on Goodman Drive. 5 Ayes. Motion Carried.

Motion made by Vice-Chairman Kauffman, seconded Supervisor Cook authorizing Chairman Kirkpatrick to sign the agreement for the Met-Ed street lighting. 5 Ayes. Motion Carried.

Susquehanna Ridings re: motorized vehicles

Jeff Martz stated that he received an email from the Homeowner's Association stating that the HOA sent a letter to all the residents asking them to cease on riding the trail. They do not have 100 percent of the residents wanting to remove the trail or cooperate. The HOA is asking for suggestions. Jeff Martz suggested posting the property, but when they have their own residents riding the trail, it makes it difficult. The HOA is claiming to be sending violation notices out to the ones they know that are using the trail. Solicitor Andy Miller stated that there could be a zoning violation or sub-division ordinance violation, but there will have to be proof of who it is and some kind of proof to establish the violation and who did it. If it's a non-homeowner, the HOA has the power to consider trespassing on that land. The challenge is that if they are there during the night, getting proof of who is actually riding.

Vice-Chairman Kauffman stated that there a lot of residents that want to ride ATV's and she suggested using the 28 acres of land, would have to sign off on liability and get a permit. She suggested doing something for our residents because they deserve to have somewhere to ride. Chairman Kirkpatrick stated that the Township is in a lease with the Baseball Association and can't do anything with that land while in a lease. Solicitor Miller will update the board on the lease.

NEW BUSINESS

Request for donation – Annie E. Sterline Library – 308 Market St., Box 324, Lewisberry, PA 17339

Chairman Kirkpatrick received a letter from the Annie Sterline Library asking for a donation. The board didn't think it was necessary to donate to another library, especially one that is not in

the township. Supervisor Miller stated that the borough of Lewisberry is charging the library rent each month to rent a space. The board agreed to not give a donation to this library.

Mercantile Tax

Chairman Kirkpatrick asked for a motion to enact a mercantile tax with a fee of \$100 a year to any business within the township. Vice-Chairman asked if this has to be an ordinance and advertised. Solicitor Miller confirmed that it does have to be an ordinance and advertised three times and go through the process. The first step would be to put an ordinance in place. Chairman Kirkpatrick wanted everyone's opinion on the board. He also said "it would exclude salvage yards because they already pay a large permit fee in the township." Solicitor Miller will have to research that to make sure that type of exclusion can be put in the ordinance. Chairman Kirkpatrick stated he would like to see if there is a first offense, it would be the cost of \$100.00, second offense would be \$200.00. Motion made by Chairman Kirkpatrick, seconded by Vice-Chairman Kauffman to have the solicitor to do some research and check into an ordinance for Mercantile Licenses. Vote on motion 5 Ayes. Motion Carried.

Advertise Bids for Traffic Signal Maintenance and Propane for approval in September

Motion made by Supervisor Cook, seconded by Vice-Chairman Kauffman to advertise for bids for traffic signal maintenance and propane. Solicitor Miller stated that it does not have to be advertised unless it's \$11,300.00 or more. Jane Deamer will solicit for bids and if she receives three bids, it still does not have to be advertised if it's under \$20,000.00. Motion made by Supervisor Cook, seconded by Supervisor Miller to solicit the bids for traffic signals. Vote on motion 5 Ayes. Motion Carried.

Permit Manager

Chairman Kirkpatrick stated that this is a Permit Program System that will assist the Zoning Officer. It will store permits and other paperwork that the Zoning Officer uses electronically and for each property in the township. The program comes set up with each address and property tax number already added in. Motion made by Supervisor Cook, seconded by Supervisor Miller to purchase the software from C.S. Davidson for the total amount of \$16,000.00 to have everything set up and \$1,850.00 per year fee. Vote on motion. 5 Ayes. Motion Carried.

Resolution 2018-20 for Plan Revision for New Land Development

Motion made by Vice-Chairman Maxine Kauffman, seconded by Supervisor Cook to adopt resolution 2018-20 for plan revision for new land development for Robert & Donna Good. Vote on motion. 5 Ayes. Motion Carried.

Direct Deposit

Motion made by Supervisor Wintermyer, seconded by Supervisor Cook that all payroll checks will now be made by direct deposit starting the second week of September. Vote on motion 5 Ayes. Motion Carried.

SUBDIVISION AND LAND DEVELOPMENT

Final Minor Subdivision 2 lots – Robert & Donna Good - southwestern corner of intersection of Yocumtown Road – 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 Miller to grant waiver 403.01.a context map. Vote on motion. 5 Ayes. Motion Carried.

Motion made by Vice-Chairman Kauffman, seconded by Supervisor Miller to grant waiver 402.09.9.J Woodland's Evaluation. Vote on motion. 5 Ayes. Motion Carried.

Motion made by Vice-Chairman Kauffman, seconded by Supervisor Miller to grant waiver 603.03 Inadequate cartway width. Vote on motion. 5 Ayes. Motion Carried.

Motion made by Vice-Chairman Kauffman seconded by Supervisor Miller, to approve this subdivision contingent upon the engineer's questions. Vote on Motion. 5 Ayes. Motion carried.

Final Minor Subdivision – Carl & Kathy Hughes – southwest corner of intersection of Kise Mill Road & York Road

Motion made by Vice-Chairman Kauffman, seconded by Supervisor Cook to grant waiver 403.01.a context map. Vote on motion. 5 Ayes. Motion Carried.

Motion made by Vice-Chairman Kauffman, seconded by Supervisor Cook to grant waiver 402.02.9.J Woodland's Evaluation. Vote on motion. 5 Ayes. Motion Carried.

Motion made by Vice-Chairman Kauffman, seconded by Supervisor Cook to grant waiver Ordinance 609 Stormwater Management. Vote on motion. 5 Ayes. Motion Carried.

Motion made by Vice-Chairman Kauffman, seconded by Supervisor Cook to grant waiver 603.03 Inadequate cartway width. Vote on motion. 5 Ayes. Motion Carried.

Motion made by Vice-Chairman Kauffman seconded by Supervisor Cook, to approve this subdivision. Vote on motion. 5 Ayes. Motion Carried.

Revised Preliminary Subdivision Plan – The Woods – Phases 3 & 4

Motion made by Vice-Chairman Kauffman, seconded by Supervisor Wintermyer to grant waiver 402.01.9.C Traffic Study. Vote on motion. 5 Ayes. Motion Carried.

Motion made by Vice-Chairman Kauffman, seconded by Supervisor Wintermyer to grant waiver 403.01.a, park and recreation report prepared by a certified Park and Recreation professional. Vote on motion. 5 Ayes. Motion Carried.

Motion made by Vice-Chairman Kauffman, seconded by Supervisor Cook to grant waiver 603.03, improvements to Pines Road. Vote on motion. 5 Ayes. Motion Carried.

Motion made by Vice-Chairman Kauffman, seconded by Supervisor Miller to grant waiver 604.06.2, provide installation of vertical curbing. Vote on motion. 5 Ayes. Motion Carried.

Motion made by Vice-Chairman Kauffman, seconded by Supervisor Cook to grant waiver 603.10.1, maximum length of a cul-de-sac street. Vote on motion. 5 Ayes. Motion Carried.

Motion made by Vice-Chairman Kauffman, seconded by Supervisor Cook to grant waiver 615, provide details for proposed street lighting including lighting plan. Vote on motion. 5 Ayes. Motion Carried.

Motion made by Vice-Chairman Kauffman, seconded by Supervisor Cook to grant waiver 614.02.5.a and b, slopes of 15% to 25% the only permitted grading beyond the terms described above, shall be in conjunction with a single-family dwelling. Vote on motion. 5 Ayes. Motion Carried.

Motion made by Supervisor Cook, seconded by Supervisor Miller to approve the revised preliminary subdivision plan contingent upon the engineer's comments. Vote on motion. 5 Ayes. Motion Carried.

PAYMENT OF BILLS

Motion made by Supervisor Cook, seconded by Supervisor Wintermyer to approve payment of bills as listed: (67491-67580) (67399-67490) (2037-2039) (1037-1039) (3204-3211) (12525-12551) Vote on motion. 5 ayes. Motion Carried.

EXECUTIVE SESSION

The Board recessed to Executive Session at 7:35 P.M. to discuss personnel and legal issues.

Reconvened from executive session at 8:45 P.M.

ADJOURNMENT

Motion made by Supervisor Wintermyer, seconded by Vice-Chairman Kauffman to adjourn the August, 25, 2020 Board of Supervisors Meeting. Vote on motion. 5 Ayes. Motion carried.

The Meeting was adjourned at 8:47 P.M.

Respectfully Submitted,