

NEWBERRY TOWNSHIP BOARD OF SUPERVISORS
Monthly Meeting
October 27, 2020 6:00 p.m.

Call to Order by Chairman David Kirkpatrick

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

Attendance

Chairman, David Kirkpatrick
Vice-Chairman, Maxine Kauffman
Supervisor, Clair Wintermyer
Supervisor, Brandt Cook
Supervisor, Mario Eckert
Solicitor, Andrew Miller

Township Manager, Tony Miller
Police Chief, Steve Lutz
Public Works Director, Scott Getgen
Wastewater Services Coordinator, Brent Zeiders
Township Comptroller, Jane Deamer
Zoning Officer, Jeff Martz
Engineer, Bill Rudy
Office Assistant, Darnell Musser

Public Comments

Township Manager Miller stated that he had received one public comment from Resident Douglas Beshore, 25 Robert Paul Drive, Etters, PA as follows: "Item #1, in following recent township meetings and seeing newspaper articles regarding an ATV noise issue and discussion of a new noise ordinance being looked at, could you please explain why our existing ordinance #378 defining and prohibiting disorderly conduct does not apply to this situation? When I read section 2, acts of disorderly conduct definition D, I would think this would directly apply to the situation being discussed. Shouldn't we be enforcing existing ordinances instead of wasting time and money, making new ones?"

Regarding Mr. Beshore's Item #1 - Chairman Kirkpatrick responded that the Noise ordinance is to cover a number of different things, it is not an ATV ordinance, has never been intended to be an ATV ordinance, and the reason they are working on new ordinance is so they can better define what they can do as far as noise. Other Board members mentioned that since this ordinance is from 2013, that this and other ordinances sometimes need to be brought up to date. Township Manager Miller suggested that since the Board had just recently been provided a copy of the ordinance, to take additional time to review and respond to the public comment at the next meeting. The Board was in agreement.

Township Manager Miller continued on with Mr. Beshore's "Item # 2 – about the Budget workshop. When was the last time the township looked into subcontracting or hiring part time seasonal workers for grass mowing at the areas parks and ballfields that we mow? It seems to me that our full-time public works road crew department with full time pay and benefits would be more beneficial and cost effective out performing roadwork, culvert cleaning, berm cleaning, etc. it seems to be lacking greatly throughout the township. Between manpower equipment to mow maybe we could see some savings there. Thank you."

Regarding Mr. Beshore's Item #2, Chairman Kirkpatrick responded that the Township does hire seasonal for both summer mowing and for winter plowing operations and on a part time basis. He added that the Township is trying to catch up on stuff that has been left go for years and doing the best they can at this time.

Minute Approval

MOTION by Supervisor Cook to approve the meeting minutes from September 22, 2020. The motion, seconded by Vice Chairman Kauffman, carried unanimously.

REPORTS

Public Works – Scott Getgen

Director Getgen mentioned that he had a few items that were not included in his report. The gang mower sold for \$5,650, the case tractor sold for \$1,605, the old PTO driven tractor broom sold for \$275 and the marathon tar buggy for \$2,145. These were the items listed on the Municibid.

Police Department – Chief Lutz

Police Chief Lutz stated that in his report it has a summary of what the dept handled 959 calls, 1 Aggravated Assaults, 1 Burglary, 14 Thefts, 1 Motor Vehicle Theft, 6 Drug Offenses, 3 DUI's, 4 Simple Assaults, 2 Sexual Assaults, 5 Domestic Related Harassments, 5 other Harassments, and 17 all other offenses. Additionally, officers responded to and investigated 900 other calls for service including 17 domestic related incidents and 15 traffic accidents. They issued 56 traffic citations, 118 warnings, issued 16 non-traffic citation and made 24 misdemeanor/felony criminal arrests.

Sergeant Keith Farren just graduated the Northwest Police Staff and Command class on October 16, 2020; the knowledge he gained there will be a great asset to our agency as well as the community. He also reminded the public that it is considered theft to remove political signs from someone else property. On election day, plans are currently in place regarding the polls, etc. They will not be at the polls unless they are called for an incident. Police will be handing out candy (donated by Karns) during Halloween night.

The body cameras have arrived and have been implemented – the officers are now wearing them. It was a 50-50 grant that was applied for, and the Pennsylvania Chiefs of Police reimbursed us as part of the grant \$16,750. Each officer is assigned his own body camera.

Sergeant Martinez provided an overview of the K-9 statistics from September 2020. He added that 100% of the food required for the K-9 units, is provided through their non-profit organization K-9 TEAMS, and recently a resident donated \$100 gift card to Chewy.com, which provided enough food for one month. Walmart has also been instrumental in providing assistance. He mentioned that they were

unable to respond to some calls due to recent changes in the K-9 policy. Discussion was held regarding grants to help offset the costs of the K-9 for Newberry Township. York County has 1 Drug K-9, and a total of 4 Patrol Narcotic K-9's in York County; 2 in Newberry Township, 1 in Hellam Township and 1 in Southern Regional.

Fire Department – Gary Hatterer

Chief Hatterer submitted his report to the Board in writing, and also requested that the Board approve a boot drive at the end of November to help subsidize their loss in revenues, due to the Governor's requirements.

MOTION by Chairman Kirkpatrick to approve the Newberry Township Fire Department's request to do the fundraising in Newberry Parkway. The motion, seconded by Vice-Chairman Kauffman, carried unanimously.

Zoning Department – Jeff Martz

Zoning Officer Martz had nothing to add to his submitted report.

Solicitor – Andrew Miller

Solicitor Miller inquired as to whether either of the following were moving forward: The Knox Box Ordinance and the regulations for curb and sidewalks. The Board responded that the curb and sidewalks would be discussed under New Business, however they requested a 6 month delay in regards to the Knox Box Ordinance since it would be an added expense for businesses, who are currently dealing with issues related to the pandemic.

Engineering – Pennoni Associates

Engineer Bill Rudy stated that items in his report would be discussed under New and Old Business during this meeting.

Sewer Department – Brent Zeiders

Wastewater Services Coordinator, Brent Zeiders had nothing to add to his submitted report.

Township Manager's Report – Tony Miller

Manager Miller mentioned that the garage door for the Highway Department, that separates two areas so that the Township can save on heating – was finished and installed. Voting machines were delivered and they are locked in the back room.

Treasurer's Report – Jane Deamer

Comptroller, Jane Deamer had nothing to add to her submitted report.

Supervisor's Report

No comments.

Old Business

- **Intermediate School at Valley and Beinhower Road – Land Development Plan**

Presentation by Marc Kurowski (Civil Engineer K&W) and Brett Sanders (Director of Operations and Planning for the West Short School District) regarding the proposed Intermediate School at Valley and Beinhower Roads. It was noted during the presentation that none of the improvements would be in Newberry Township, and at least 500-600 feet away from the Township line. The majority of the property is located in Fairview Township. According to Newberry Township's Engineer, Mr. Rudy stated that in reviewing the traffic study and storm water, that the school would have a very minor impact and he has no issues with a waiver.

MOTION by Supervisor Cook for a waiver for the land development process through Newberry Township. The motion, seconded by Vice-Chairman Kauffman, carried unanimously.

- **Mercantile License**

Chairman Kirkpatrick brought up the Mercantile License and some of the reasons he felt it would benefit the Township. However, based on feedback from other Board members, the discussion ended, and no further discussion was mentioned.

- Red Land Little League Lease

Township Manager Miller stated he spoke to the President of what is now the Redland Youth Baseball and provided the President with a copy of the lease and advised him that the Township had not received any payments in regards to the lease, since the beginning of the lease, at \$500 per year. The President advised Manager Miller that they do not have the funds to put ballfields in.

Solicitor Miller mentioned that there are remedies of the Lease, in section 18, in that the Township can give them a default notice and if that default continues for 10 days after giving the notice, the Township could follow up with a notice to terminate the lease, if that is the direction the Board wants to go.

MOTION by Supervisor Cook to have the Township Manager contact the Redland Youth Baseball in order to confirm their intentions regarding the Lease. The motion, seconded by Vice-Chairman Kauffman, carried unanimously.

New Business

- Penn Waste

Township Manager Miller read a letter from Penn Waste regarding the increase in disposal rates by \$2.50 per ton; resulting in .65 cent increase per quarter per home, effective 1/1/2021. It would not impact those residents who only utilize the recycling.

- Klugh Animal Control Services Contract

Township Manager Miller gave an overview of the service that they provide each year to Newberry Township. He mentioned that their retention fee is not going up and their service fees went from \$18.50 to \$19.00 per hour. Their contract also contained their holiday hours and emergency fees.

MOTION by Vice Chairman Kauffman to approve the Klugh Animal Control Services Contract. The motion, seconded by Supervisor Eckert, carried unanimously.

- Curb and Sidewalk Ordinance

Before hearing from the Township Engineer regarding a Curb and Sidewalk Ordinance, Township Manager Miller explained to the Board that the Township does not currently have an ordinance governing curb and sidewalk maintenance, which also has to do with whether we pave streets and if the curbs and sidewalks are brought up to standards and codes, and who is responsible for that.

According to Township Engineer Rudy, "In developments where we have curbs and sidewalk and the ADA ramps are not up to code, whenever you go into pave you are required to upgrade those ADA ramps. But curbs and sidewalks should also be looked at therefore we looked at our current subdivision land development ordinance and the maintenance in there just speaks to sidewalk, not curb as well. What we would like to do is update with a separate ordinance, which most municipalities have. It talks about maintenance of curb and sidewalk being the responsibility of the homeowner."

MOTION by Supervisor Cook to approve for Solicitor Miller to work with the Township Manager Miller and the Township Engineer Rudy to get an ordinance together for sidewalks and curbs. The motion, seconded by Supervisor Wintermyer, carried unanimously.

- Resolution 2020-21 – Dedicate Hunters Chase Phase III

The Solicitor requested that this be tabled until the next meeting.

MOTION by Supervisor Cook to approve for Resolution 2020-21 – Dedicate Hunters Chase Phase III to be tabled until the next meeting. The motion, seconded by Vice Chairman Kauffman, carried unanimously.

- Intergovernmental Cooperation Agreement with the York County Regional Chesapeake Bay Pollutant Reduction Plan/York County Planning Commission

According to the Township Manager Miller, Newberry Township has paid \$326,033 so far in regard to this Agreement (we are in the third year of a six-year agreement). The Board is interested in reviewing what our options are and whether or not we can opt out. The Board is recommending the Township Manager Miller, Township Engineer Rudy, and Township Solicitor Miller, work together to get some baseline ideas in numbers, if the Township did opt out, in order for the Township to make a more informed decision.

- Concrete Bids for ADA Parking Sites and Sidewalk

Quotes were provided to the Board. Hertz-a-crete was the low bidder at \$10,000, Macri was \$15,388. The Township Highway department will be going to remove the existing ADA ramp (which is not to code) that is currently in place.

MOTION by Vice Chairman Kauffman to approve the bid from Hertz-a-crete Construction redo our handicap access to the municipal building. The motion, seconded by Supervisor Eckert, carried unanimously.

Payment of Bills

MOTION by Vice Chairman Kauffman to approve the payment of bills. The motion, seconded by Supervisor Eckert, carried unanimously

Executive Session

Chairman Kirkpatrick stated they discussed some personnel issues and legal issues.

Adjournment

MOTION by Supervisor Cook to adjourn the meeting at approximately 8:55 p.m. The motion, seconded by Vice Chairman Kauffman, carried unanimously.

Respectfully Submitted,

Tony Miller, Secretary