

NEWBERRY TOWNSHIP BOARD OF SUPERVISORS

Monthly Meeting

January 26, 2021 6:00 p.m.

Call to Order by Chairman David Kirkpatrick

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

Attendance

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

Township Manager, Tony Miller
Police Chief, Steve Lutz
Wastewater Services Coordinator, Brent Zeiders
Township Comptroller, Jane Deamer
Engineer, Bill Rudy
Fire Chief, Gary Hatterer

Chairman Comment

Chairman Eckert made it known to the public that during an executive session on January 18, 2021 they discussed the police contract.

Public Comments

Bill Wise and Attorney Mr. Kolis, 25 Culhane Rd: Bill stated he is against the Warehouses, especially on Culhane Rd due to his property being in the middle of it. Kolis represents Mr. Wise, he stated that Warehouse are allowed in the industrial zone specifically. His client is concerned with environmental impact and the road conditions on Culhane Rd. Mr. Kolis submitted a petition that Mr. Wise circulated with 100 signatures.

Laura Umfred, 195 Culhane Rd: Laura stated she would like no more warehouses within the Township because of the health and safety for the community. School bus stop would need to be relocated because of the extra traffic. Laura aske if Newberry Township is going to be another Strinestown. She also aske the Board how big do they want Newberry to get. Over the years she has keeps seeing it grow and get busier and is wondering if there is a cap for the growth of warehouses. Vice-Chair Wintermyer said he would prefer to see the area of Culhane Rd be a business that the residents could enjoy. Chairman Eckert said the board has not made any official decision, and he appreciates her coming in to make comment. Laura brought to attention the Zoning Ordinance 102, Solicitor Miller said it's the Township Purpose. Supervisor Cook said that they are here for the people.

Jay Patel and Attorney Jeff Freymyer: Attorney Freymyer said rezoning of Red Mill Rd was discussed before and the board did not seem opposed to it. Jay submitted a nonrefundable deposit to the seller of the property and submitted a petition to the board to rezone Red Mill Rd. Attorney Freymyer said they are aware that there are citizens with concerns, and Jay Patel and his attorney are available to answer questions. He believes some of the information that has spread around is not accurate. No actual plans

have been created with types and quantity of housing for this property. Jay Patel and his attorney are requesting that the Board of Supervisors to act and forward the request to the Planning Commission and York County Planning Commission. Supervisor Kirkpatrick asked for confirmation that they do not have a current plan on what they would like to build on the property. Attorney Freymyer responded that they do not have any plans at this time due to not being sure what can potentially be put on the property at this time.

Tim Costello, 110 Pleasant View Dr: Tim explained that he bought his property in 2003 and subdivided it into 4 lots. His family lives within these lots. He is opposed to rezoning Red Mill Rd and the potential of Townhouses or Apartments being put in. He is not against Mr. Patel putting in single family homes and adhering to the current zoning ordinance. Mr. Costello read the purpose in the current zoning ordinance for the district to the board. He also stated that Pleasant View Drive is not equipped to handle the number of cars Apartments and Townhouses would bring to the area.

Nevin Shenk, 575 Red Mill Rd: Nevin has been a resident of the Township since 1975 with his wife Lisa. He and his wife oppose the zoning request made for 665 Red Mill Rd. Nevin asked that the document he said via email to the board be read out loud during the meeting. Earlier Nevin delivered a petition signed by 150 residents to the Township building objecting to the rezoning. Nevin explained he stocks the stream with Trout each year for fishing for the residents and wants the Board to know how much they have invested into the Township. He wants the Board to think of all the residents who enjoy the rural setting.

Township Manger Tony Miller read the document Nevin Shenk submitted via email on January 24,2021: Road and infrastructure of Red Mill Rd and Pleasant View Dr are not suitable for the extra traffic. The sewage line is most likely not sufficient for the extra housing that could potentially be put on 665 Red Mill Rd. The cost to the Township for the road and sewer improvements would be significant. The elementary school will be impacted by more children attending. Damage to the historical one-line bridge is a concern due to the higher vehicle traffic.

Zachary Wise, 195 Sipe Rd: Mr. Wise said it will not work having tractor trailers on Culhane and Sipe Rd. He is not selling his house to make this warehouse happen. Asked can they change the Ordinance. Chairman Eckert explained the board has not made any formal decision on the matter and he appreciates him taking the time to come in.

Diane Shellenhamer 720 Red Mill Rd: Diane submitted a Change.org petition to the board that is against the rezoning of Red Mille Rd. She owns two properties in the area. She said the property value will decline and residents moved to here for the rural setting. She does not see the value of rezoning Red Mill Rd.

Jim and Maryann Spontak, 676 Red Mill Rd: Moved to the area in 1981 because they enjoyed the green space and rural setting. He likes the comprehensive plan that was put into place by the Township and does not understand why developers can have the zoning changed. He is concerned with stormwater management. The roads will not be able to handle the extra cars.

Township Manager Tony Miller read public comment for the following:

Matthew Mille: The roads near Culhane Rd cannot the truck traffic a warehouse will bring. He is opposed to a warehouse being built.

Eric Miller, 5 Culhane Rd: He opposes the Text Amendment to allow warehouses in the RCO district. Eric Miller brought up what the Super Rutters did to the traffic in the area. Used examples of surrounding

areas with warehouses and the poor conditions they have due to noise pollution and traffic. The property can be used in better ways than a warehouse. He is asking the board to turn down the text amendment like it was in 2018,

Richard McCarthy, 1115 Old Quaker Rd: Does not want rezoning of 665 Red Mill Rd and wants to keep the farmland and open spaces. He said they will see who voted yes and those board members will be voted out.

Rose-Anna Behr 140 Highland Circle: Rezoning of 665 Red Mill Rd will create more accidents. The cost of improvements will be passed on to the residents. Increase of cars in front of the school will affect the children. Rose is also opposed to the text amendment to RCO district for Culhane Rd.

Barry and Karen Stone, 145 Pleasant View Dr: Asks the board to vote no to the rezoning of 665 Red Mill Rd.

Randy Watts, 200 Pleasant View Dr: His family is against the rezoning of 665 Red Mill Rd. Residential Growth and Village districts are not fully developed yet. The Township infrastructure is not prepared for the development. There are wetlands on this property and the set backs in the current zoning will effect current development.

Andrew Popp: His name was mentioned in the managers report for right to know requests and asks that other names be mentioned as well. He said that if the Township did not hide items from the public than right to know requests would not be needed. Tony Miller did not read Andrew's public comment in fully in the December 28 meeting. Tony Miller is not handling the right to know request with ease. Mr. Popp is requesting when the requested audit will be available to the public. Township Manger Tony Miller commented on the issue of certain comments are not read out loud and stated that the comments were not pertaining to the agenda at that meeting. The Township is not obligated to make the audit public because it is attorney client privilege.

Claire Wintermyer made comment that is going to step down from Vice-Chair

MOTION by Supervisor Wintermyer to step down from Vice-Chair and reinstate Maxinne Kauffman. The motion, seconded by Supervisor Cook, carried unanimously.

Minute Approval

MOTION by Vice-Chair Kauffman to approve the meeting minutes from December 8, 2020 Board of Supervisors meeting. The motion, seconded by Supervisor Wintermyer, carried unanimously.

MOTION by Vice-Chair Kauffman to approve the December 28, 2020 Special Meeting Minutes. The motion, seconded by Supervisor Wintermyer, carried unanimously.

MOTION by Supervisor Kirkpatrick to approve the January 4, 2021 Reorganization meeting minutes. The motion, seconded by Supervisor Cook, carried unanimously.

REPORTS

Police Department – Chief Lutz

Police Chief Lutz reviewed the monthly report that was submitted. Chief Lutz discussed the fire police training. There is an individual who will train all the fire police for a minimum fee. It is \$300-\$400 for the training. Seeking approval by the board for this one-time training for volunteers.

MOTION by Supervisor Kirkpatrick to approve the fire police training. The motion, seconded by Supervisor Wintermyer, carried unanimously.

Fire Department – Gary Hatterer

Chief Hatterer said anybody who wants a refresher can during the training. They are adding two new fire police. The department provides fire police to the Township. The board needs to approve all fire police during the reorganization meetings even for the boroughs. Fundraisers need to be approved by the board for 2021.

MOTION by Supervisor Kirkpatrick to approve the 2021 training and fundraisers. The motion, seconded by Supervisor Wintermyer, carried unanimously.

Solicitor – Andrew Miller

Solicitor Miller submitted a written report to the board.

Engineering – Pennoni Associates

Engineer Bill Rudy submitted a written report to the board. MS4 updates, Bill met with another engineer from a neighboring municipality. No-till cost is a little bit higher. Bill believes we should stick with our current PRP plan that we have with the County Consortium. Bill discussed the meeting with the developer for Red Mill Crossing and the requirements for them. Bill was letting the board know that it has been tabled twice, but the developer might be coming looking for help with easements for sewer. Bill will be working with Brent Zeiders at the end of March on the Chapter 94 report.

Township Manager's Report – Tony Miller

Manager Tony Miller submitted a written report.

Treasurer's Report – Jane Deamer

Comptroller, Jane Deamer submitted a written report.

Supervisor's Report

Supervisor Wintermyer spoke about the zoning of 665 Red Mill Rd. He would like to stop and not allow the plan to move any further.

MOTION by Supervisor Wintermyer to stop further action on 665 Red Mill Rd. The motion, seconded by Vice-Chair Kauffman, carried unanimously.

Supervisor Wintermyer also spoke about the truck traffic on Sipe Rd that could happen because of the potential warehouse. He has not been into Rutters for over a year due to not being able to turn out of the parking lot. Supervisor Cook said he drove these roads and they are basically horse and buddy trails. Supervisor Wintermyer believes the text amendment for the RCO district and a warehouse on Culhane Rd should not happen. Solicitor Andy Miller said the developer tabled this and no action is required tonight. Engineer Bill Rudy said that the board should look at the permitted uses in the Zoning for RCO so they can have a better understanding of what is allowed. Solicitor Miller also made the board aware that there is a section in the area that is zoned Industrial. The ordinance would need to be addressed if they do not want warehouses in that area.

MOTION by Supervisor Wintermyer to stop any further action on Culhane Rd. The motion, seconded by Vice-Chair Kauffman, carried by 4 ayes and 1 nay from Supervisor Kirkpatrick.

Supervisor Kirkpatrick wanted to discuss the Manager sending a letter to Frontier Phone, PA Public Utility Commission, and Representative Dawn Keefer. The bridge by Walmart needs replaced but is unable to be worked on because Frontier needs to move their equipment. The traffic lights by McDonalds are also not being used because the project has not been started.

MOTION by Supervisor Kirkpatrick to have Township Manager Tony Miller send a letter to Frontier. The motion, seconded by Supervisor Wintermyer, carried unanimously.

MOTION by Supervisor Kirkpatrick to have the attorney create an ordinance that every 800 feet a fire hydrant is placed in newer developments by water lines. The motion, seconded by Supervisor Cook, carried unanimously.

Old Business

- Red Land Youth Baseball Lease Letter

Township Manager Anthony Miller discussed the response from RLYB. The league will not be developing the land soon and if the board wants to end the lease that is ok. Supervisor Kirkpatrick said the Township can investigate grants and develop the land for a park and ball field. Vice-Chair Kauffman asked the Comptroller if she knew how much was in the Recreation fund, response being \$300,000.

MOTION by Supervisor Kirkpatrick to move forward with ending the lease and the Township investigate developing a park on the property. The motion, seconded by Vice-Chair Kauffman, carried unanimously.

- Red Mill Crossing Extension Request

Township Manager Anthony Miller explained Red Mill Crossing is requesting an extension on the review until May 31, 2021.

MOTION by Supervisor Kirkpatrick to grant the extension for Red Mill Crossing. The motion, seconded by Vice-Chair Kauffman, carried unanimously.

New Business

- Resolution 2021-06 2021 Wages Amendment

MOTION by Supervisor Cook to approve the 2021-06 Amendment. The motion, seconded by Supervisor Kirkpatrick, carried unanimously.

- Approve Trout CPA Letter

Approving Trout CPA engagement letter to do the annual audit.

MOTION by Supervisor Cook approve Trout CPA to do the annual audit. The motion, seconded by Vice-Chair Kauffman, carried unanimously.

- Resolution 2021-08 to close PLIGT Bank Accounts

MOTION by Supervisor Kirkpatrick to approve the closing of the bank accounts. The motion, seconded by Supervisor Cook, Carried unanimously.

- Resolution 2021-09 Goodman Drive

Approval for the Township to adopt a portion of Goodman Drive a public street

MOTION by Supervisor Kirkpatrick to approve 2021-09 Resolution to adopt a portion of Goodman Drive. The motion, seconded by Vice Chairman Kauffman, carried unanimously.

- Accept Zoning Officer Jeff Martz resignation

MOTION by Supervisor Kirkpatrick to accept the resignation of the Zoning Officer. The motion, seconded by Vice-Chair Kauffman, carried unanimously.

Payment of Bills

MOTION by Vice-Chair Kauffman to approve the payment of bills. The motion, seconded by Supervisor Kirkpatrick, carried unanimously.

Executive Session

Chairman Eckert announced the board discussed personnel issues during executive session.

MOTION by Supervisor Kirkpatrick to move the Police clerical worker Nichole's wages be moved to \$18 per hour. The motion, seconded by Supervisor Wintermyer, carried unanimously.

Township Manager Tony Miller made comment that on his report the Sewer Department was able to collect \$36,357.87 in delinquent payments since November.

Adjournment

MOTION_ by Supervisor Kirkpatrick, seconded by Supervisor Cook. Meeting adjourned at 8:49pm.

Respectfully Submitted,

Tony Miller, Secretary