

**BERWICK TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
DECEMBER 14, 2015**

CALL TO ORDER & PLEDGE TO THE FLAG: The December 14, 2015 regular meeting of the Berwick Township Board of Supervisors was held in the Berwick Township Municipal Building, 85 Municipal Road, Hanover, PA. Chairman Foltz called the meeting to order at 6:00 p.m. Present were Supervisors Bob Foltz, Earle Black, Barry Cockley, Pete Socks, Tom Danner, Engineer Tim Knoebel, Secretary Jean Hawbaker. Tim Shultis could not attend this meeting. Mr. Foltz asked all to stand for the Pledge of Allegiance to the Flag.

PUBLIC COMMENTS (AGENDA ITEMS): None.

CONSENT AGENDA: Supervisor Cockley made a motion to approve the minutes of November 9, 2015, bill lists, unpaid bill lists and balance sheets dated December 11, 2015, and Roadmaster's report for November 2015, seconded by Supervisor Danner; Supervisor Black had a question on the last page of the minutes. **Roll Call - Cockley – yes, Danner – yes, Black – yes, Socks – yes, Foltz – yes. Motion carried.**

CORRESPONDENCE:

- 1) **Bea Haskins Letter Dated 12/2/15** - Bea Haskins asked that her letter be read aloud. Supervisor Foltz stated all he has to do is acknowledge it was received. Supervisor Danner made a motion to acknowledge receipt of the letter, seconded by Supervisor Socks. **Roll Call – Danner – yes, Socks – yes, Foltz – yes, Cockley – yes, Black – no. Motion carried.**

UNFINISHED BUSINESS:

- 1) **Update of the NOMA Sewer Transition** – Tim Knoebel explained the township is in the process of getting a study initiated to review the concept of Hamilton Township exiting the Intermunicipal Agreement. We have been in contact with a company trying to get a proposal. It is a combination of accounting and technical knowhow. The primary person has left that firm, so they are no longer going to be interested in doing that. Tim Shultis had reached out to another attorney, who represents a lot of sewer authorities, and received some referrals for another company to do that. We are looking to get proposals from one or two companies. Supervisor Socks made a motion for Tim Knoebel and Tim Shultis to proceed on getting proposals, seconded by Supervisor Danner. **Roll Call – Cockley – yes, Black – yes, Foltz – yes, Socks – yes, Danner – yes. Motion carried.**
- 2) **Clarification of Bea Haskins 11/9/15 Public Comments Regarding Posting of Residents Mailing Addresses in the Meeting Minutes on Website** - Supervisor Socks stated he followed up on the conversation Ms. Haskins had at the last meeting. Ms. Haskins had attended the October 27, 2015 right-to-know and sunshine law workshop in Harrisburg. The key point of what she brought up that she asked Charles Brown, chief

December 14, 2015

counsel doing the training about addresses and posting them on the township's website. Ms. Haskins response was, we can ask for names and addresses to verify residency, but you cannot publish it. Ms. Haskins also said, she asked him to repeat it, and he said once again, you can ask for name and address, but you cannot publish it. Mr. Socks stated he followed up that night and found other municipalities that put resident's addresses in the minutes. To take it one step further, Mr. Socks contacted the Open Records Office and a got a response back from George Spiess, and he stated the resident is mistaken to our response and position on this matter. Agencies are permitted to restrict comment to residents only, and as such, it is appropriate for agencies to request their address. The response was actually captured on the Q & A portion and is posted on their website. The issue of posting the commenter's home address online was not addressed, as the issue falls outside of the right-to-know law and sunshine act. Mr. Socks stated he proceeded to watch the video, which showed no attendees asking questions. All questions were filtered through a moderator, and the only way the question was asked, was just specific to whether we can ask for residents addresses. Nothing was ever brought up in the question session about posting them on the website.

Ms. Haskins stated she spoke to Mr. Brown after the session, and that was the conversation they had, not during the question and answer session.

Mr. Socks will follow up with Mr. Brown.

- 3) **Weight Limit Restrictions on Roads** – Supervisor Danner stated the township did not get a response back from Abbottstown, but did get one from Penn Township. They submitted it to their safety committee. They did have a few concerns, which were in the restrictions on weight limits, which vehicles would be able to access the road, especially emergency vehicles, school buses and refuse collection. I indicated those vehicles would not be restricted and would fall under local delivery. We also discussed signage, and I told them we would cooperate with them. Their safety committee will make recommendations to their Board. Mr. Danner will follow up with Abbottstown.
- 4) **Race Track Road** – Supervisor Black stated that the township takes in a lot of tax money for the racetrack. Would it be time to start updating Race Track Road due to all of the traffic? Supervisor Foltz stated to update the road we are going to have to upgrade to travel lanes for bicycles and pedestrians under the new law, and we would have to buy right-of-ways to extend it. You are talking a couple of million dollars. Supervisor Danner stated if we get into drainage, we might get into the MS4. Maybe look at it next year.
- 5) **Electronics Recycling Event 1/9/16 – Advertising Options** - Supervisor Socks stated the Merchandiser charges \$375.00 for a quarter page, and a one page flyer would be \$540.00. I would rather direct target to the residents. Affordable Computers will have a pickup with two Gaylord's. We will look to at putting two Gaylord's on the township truck, so we can rotate trucks. Supervisor Danner stated we could add a couple of items to the newsletter. Supervisor Foltz made a motion to send out the newsletter, seconded by

December 14, 2015

Supervisor Socks. **Roll Call – Black – yes, Cockley – yes, Foltz – yes, Socks – yes, Danner – yes. Motion carried.**

- 6) **Human Resource Manual Completion** – Supervisor Black stated he had this put on the agenda to see if it was completed. Supervisor Danner stated it was approved, however; he and Tim Shultis have been working on the new manual that needs to be revised, and get some legalities taken care of. Mr. Danner will present it to the Board next year, somewhat piecemeal, so it is not so much to digest.
- 7) **Revised Permit Fee Schedule Submitted by Zoning Officer in 2013** - The Board will discuss this at their next meeting.

NEW BUSINESS:

- 1) **Smith Elliott Kearns Audit Quote** – Supervisor Danner made a motion to accept the quote, not to exceed \$7,000.00, seconded by Supervisor Cockley. **Roll Call: Danner – yes, Black – yes, Cockley – yes, Foltz – yes, Socks – yes. Motion carried.**
- 2) **Employee Gift Cards** - Supervisor Danner made a motion to give \$100.00 Wal-Mart gift cards to full time employees, and \$50.00 to part time, Planning Commission and Zoning Hearing Board, seconded by Supervisor Black. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes. Foltz abstained since he is an employee. Motion carried.**
- 3) **Building Inspection/Code Enforcement RFP's** - Supervisor Cockley stated we currently have an outsourcing for our Uniform Construction Code (UCC) inspections, and I think it would behoove us to make sure we are doing things in the most efficient manner going forward, and also put out for bid Code Enforcement, permits and zoning duties. Supervisor Cockley made a motion to get request for proposals for outsourcing those services, seconded by Supervisor Danner. **Roll Call: Danner – yes, Cockley – yes, Black – yes, Foltz – yes, Socks – yes. Motion carried.**
- 4) **Auditor Appointment (1)** - Supervisor Socks made a motion to appoint Scott Kennedy as township auditor, seconded by Supervisor Danner. The Secretary will clarify the term. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes. Foltz abstained. Motion carried.**
- 5) **Office Manager Cell Phone Carrier Switch for Cost Reduction** - Supervisor Socks stated that Sprint has a special and it will reduce the bill by 50% from \$99.85 to \$56.50, not including taxes or surcharges per month by switching from AT&T to Sprint. The price is good for two years. When you port your number, they give a \$100.00 credit. Supervisor Danner made a motion to switch the Office Manager's phone to Sprint for the cost saving two year plan, which includes a new phone, unlimited texts, minutes and 2 gigs of data. Any overages will be paid for by Mr. Socks, seconded by Supervisor

December 14, 2015

Cockley. **Roll Call: Black – yes, Cockley – yes, Foltz – yes, Danner – yes. Socks abstained. Motion carried.**

- 6) **Notice of Public Utilities Future Land Purchases, Intended Use and Public Notification** - Supervisor Danner presented pictures of the Columbia Gas pod station, which borders Villa Vista. He stated there is a concern regarding public utilities. There is no notification that a land transfer took place, and the intended use, and now we have this monstrosity in a development. There were other options for them, but they chose the easiest and least expensive. We need to look at our Ordinances, and notification of the residents. KPI was asked to look into this matter.
- 7) **Set Reorganization Meeting for Supervisor's and Auditor's and Authorize Advertisement** - Supervisor Socks made a motion to set the Supervisor's reorganization meeting January 4, 2016 at 6:00 p.m. and Auditor's on January 5, 2016 at 6:00 p.m., and authorized advertisement, seconded by Supervisor Foltz. **Roll Call: Black – yes, Cockley – yes, Foltz – yes, Socks – yes, Danner – yes. Motion carried.**
- 8) **Exploration of Energy Distribution Companies, Rate and Terms for Township and Sewer, other Township Usage** - The Secretary was instructed to get rates per kilowatt hour from various energy distribution companies.
- 9) **Flowers** - Supervisor Foltz made a motion to send flowers to the Shultis family due to a death in their family, seconded by Supervisor Danner. **Roll Call: Foltz – yes, Danner – yes, Socks – yes, Cockley – yes, Black – yes. Motion carried.**

STATE POLICE REPORT:

35 calls in November 2015

ADAMS REGIONAL EMERGENCY MEDICAL SERVICES (AREMS):

399 calls – 18 calls in Berwick for November 2015

UNITED HOOK & LADDER (UH&L):

45 calls – 3 calls in Berwick for November 2015

CODE ENFORCEMENT/PERMIT REPORT:

Mr. Hartman submitted permits and code violations for November 2015. Supervisor Danner made a motion to have Mr. Hartman confer with Tim Shultis regarding the building permit issue on Carlisle Pike, seconded by Pete Socks. Supervisor Foltz asked if a property is being condemned, why it can't be torn down. Mr. Hartman was told to check this also when talking to

December 14, 2015

Mr. Shultis. **Roll Call: Danner – yes, Socks – yes, Foltz – yes, Cockley – yes, Black – yes. Motion carried.**

ENGINEER’S REPORT:

- 1) Cambrian Hills – Jeff Stough – Tim Knoebel explained that Cambrian Hills has preliminary plan approval. They can do site work, and they have a permit from the State to allow for earthmoving. They can’t sell any lots until they have a final plan. They want to move ground right now. We will need an agreement on what they can and can’t do, and we will need to hold escrow. They don’t have to bond on preliminary plan. Supervisor Socks made a motion to authorize the solicitor and engineer to proceed with preparation of a developer’s agreement for Cambrian Hills. Mr. Stough indicated that they would be responsible for associated costs, seconded by Supervisor Danner. **Roll Call: Danner – yes, Socks – yes, Foltz – yes, Cockley – yes, Black – yes. Motion carried.**
- 2) WWTP Operations Report - November 2015
- 3) Pending Plans Report - No action items

MUNICIPAL ROAD SINK HOLE:

Supervisor Foltz stated a resident took the cones away that we placed at a sinkhole on Municipal Road and brought them back to the office. Mr. Foltz stated due to safety reasons and State law, the cones cannot be removed.

PUBLIC COMMENT (GENERAL):

- 1) Linda Siegle - You mentioned during the State Police report two burglaries. Does the report state whether they were commercial or residential, and does it give location? Supervisor Danner stated he would have an answer by the next meeting.
- 2) Keith Jacobson – 50 Municipal Road – Wanted to know if the utility building at Villa Vista went before the Planning Commission. It was not required to go before the Planning Commission.
- 3) Tom Beamer – New Oxford Municipal Authority (NOMA) – Mr. Beamer stated so the study proposal is for the possibility of Hamilton being released from Berwick’s sewer, and the possibility of the sale of Berwick’s sewer plant. Tim Knoebel stated we will look at the Hamilton portion of it, and discuss the scope regarding the rest of it. Supervisor Black stated at the last meeting the scope was for selling Berwick, and Hamilton wasn’t really mentioned. Tim Knoebel stated it’s about whatever the Board needs information on. The primary purpose is in order to effectuate the release of Hamilton from the

December 14, 2015

Municipal Agreement. The Board decided that it wanted to have a study done. Hamilton had talked about that also. Primarily to look at Hamilton's portion.

- 4) Jim Winebrenner – 227 Maple Grove Road – Wanted to know what items were accepted at the recycling trailer. Supervisor Socks stated that we work with the Adams County Rescue Mission. They take cardboard, plastic, newspaper, tin cans, magazines, white shredded paper, and we still accept glass, which is picked up by Neiderer's.
- 5) Larry Oakes – 124 Stanley Drive – Mr. Oakes questioned the issue of the sewer transition. Tim Knoebel stated we are doing a study to look at the aspect of releasing Hamilton. Mr. Oakes stated there is a property near him that is rundown and dilapidated. The Zoning Officer said it was out of his hands, and the property on the other side of me, is like a cesspool. Mr. Hartman stated he turned that one over to the Department of Environmental (DEP), and they gave them a cleanup order. DEP doesn't have the money to clean it up, so it falls back to the township. Supervisor Cockley stated, so we need to put a lien on it. Mr. Hartman stated he was told by the Board that it is up to DEP. The Board agreed that Mr. Hartman should address these issues, and give a status update at the next meeting.
- 6) Lisanne Gray – Green Springs Road – Stated she never sees police patrolling Green Springs Road, and has safety concerns. She wanted to know what she needed to do to get the regional police back. Supervisor Danner stated he sees the State Police patrolling Green Springs Road.
- 7) Deborah Brogan – Ardmore Lane – Wanted to know how many \$100.00 gift cards were being given, and where the money is coming from. Ms. Brogan was told that this is budgeted each year, just as it was when she was employed at Berwick. Supervisor Danner stated he will have a breakdown by the next meeting.
- 8) Bea Haskins – Wanted to know when Mr. Shultis is going to have the language to repeal portions of Ordinance 20. Some acronyms were used earlier. It would be helpful if we knew what the terms meant. What happened to the citizens committee regarding the sewer, and why hasn't it been activated. Ms. Haskins stated if anyone is interested in getting a copy of her letter that the Board refused to read, let her know.

Adjournment was at 7:30 p.m. by motion of Supervisor Socks, seconded by Supervisor Danner. Motion carried.

The next regularly scheduled meeting of the Berwick Township Board of Supervisors will be held on January 11, 2016, 6:00 p.m. at 85 Municipal Road, Hanover, PA 17331.

Respectfully submitted,

Jean A. Hawbaker, Secretary
**BERWICK TOWNSHIP
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