

**BERWICK TOWNSHIP  
BOARD OF SUPERVISORS  
REGULAR MEETING JANUARY 8, 2018**

**CALL TO ORDER AND PLEDGE TO THE FLAG** – The January 8, 2018 regular meeting of the Berwick Township Board of Supervisors was held in the Berwick Township Municipal Building, 85 Municipal Road, Hanover, PA. Chairman Socks called the meeting to order at 6:00 p.m. Present were Supervisors Pete Socks, Barry Cockley, Earle Black, Tom Danner, Scott Kennedy, Solicitor Tim Shultis, Engineer Tim Knoebel and Secretary Jean Hawbaker.

**PUBLIC COMMENT (AGENDA ITEMS)** – None.

**CONSENT AGENDA** – Tom Danner made a motion to approve the consent agenda, which includes the minutes of December 11, 2017; December 12, 2017; December 28, 2017, and January 2, 2018, bill lists, unpaid bill lists, balance sheets dated January 5, 2018, seconded by Earle Black. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried unanimously.**

**CORRESPONDENCE**

- 1) **Dwayne Shultz (JPS Granite)** – Tom Danner stated he reviewed this letter, and made a motion to meet with Tim Shultis to respond to this letter. Mr. Danner stated Mr. Shultz's response is inaccurate and does not coincide with the findings of the Zoning Hearing Board. The parking issue was not addressed in the Zoning Hearing, nor was it a part of the alleged measurements for him to display his product outside, seconded by Barry Cockley. **Roll Call: Kennedy – yes, Danner – yes, Socks – yes, Cockley – yes, Black – no. Motion carried unanimously.**

**UNFINISHED BUSINESS:**

- 1) **Capital Improvements** – Earle Black stated he and someone from H&H will be doing a ride around on Race Track Road. Due to unforeseen circumstances, Mr. Danner did not get a chance to work on any of this. Will be discussed next month. Pete Socks stated if anyone has anything to add to the list, to do so.

**NEW BUSINESS:**

- 1) **Right-of-way issues with Cell Phone Towers** – Tom Danner made a motion to authorize Tim Shultis to research this issue, and put on agenda next month, seconded by Barry Cockley. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried unanimously.**
- 2) **Hometown Press Newsletter** – Tom Danner stated we were told they would do 2 newsletters per year, and last year they only did one. Some businesses paid the two-issue discount. Tom Danner made a motion to send a letter to Hometown Press requesting a list of who paid them for the two-issue discount, and demand they issue refunds to them, seconded by Earle Black. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried unanimously.**

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3) Consider adopting Ordinance No. 2018-01 – Zoning Ordinance amendment to Section 603.C.(1) -

Tim Shultis stated the proposed amendment to the Berwick Township Zoning Ordinance amends Section 603.C.(1) relating to Unenclosed Storage by permitting storage of recreational vehicles, boats, campers, trailers, and trucks (with more than two (2) axles) in any side or rear yard provided that the location complies with the minimum side and rear yard setbacks. The Amendment prohibits unenclosed storage in front yards unless the storage location meets the front yard setback requirement or is at least thirty-five (35) feet from the street line, which ever is lesser. The Amendment permits temporary storage within the front yard for a period of not more than fourteen (14) days in any given calendar year. The proposed Amendment does not apply to vehicles sales, service, repair and body shops in those districts where such uses are permitted. The proposed Ordinance also contains provisions for conflict, repeal, severability and effective date.

Mr. Shultis state the proposed Ordinance and intent to adopt was advertised on December 22, 2017 and December 29, 2017 in the Gettysburg Times, and posted at the township building. The proposed Ordinance was sent to the Township Planning Commission and to the Office of Planning and Development on December 6, 2017. The township received comments from the Office of Planning and Development, which has been appended and sealed to the minutes of this meeting. The township did not receive comments from the Township Planning Commission. The Board held a hearing at approximately 6:15 p.m. to receive public comments on proposed Ordinance No. 2018-01. No public comment was received.

Barry Cockley made a motion to adopt Ordinance No. 2018-01, seconded by Tom Danner. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried unanimously.**

- 4) Third Party Snow Plowing Pay Rate – Tom Danner made a motion to approve a pay rate of \$30.00 per hour for Dave Seymore using the township's equipment, and \$160.00 per hour using his own equipment, seconded by Scott Kennedy. **Roll Call: Kennedy – yes, Danner – yes, Socks – abstained, Cockley – yes, Black – yes. Motion carried.**
- 5) Other Third Party Plowing Pay Rate – Tom Danner made a motion to approve a pay rate of \$30.00 per hour other third parties using their own equipment based upon submitting a letter to the township on their availability, seconded by Scott Kennedy. **Roll Call: Kennedy – yes, Danner – yes, Socks – yes, Cockley – yes, Black – yes. Motion carried unanimously.**
- 6) Kelly Road – “No Parking” Signs – Tom Danner stated there are times that this road gets completely blocked from the overflow of C&D Restaurant. If there was an emergency at the sewer plant, we may not be able to get through. Tom Danner made a motion to authorize Tim Shultis to proceed with the ordinance to prohibit parking here, seconded by Earle Black. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried unanimously.**



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- 7) **PA Vehicle Code Sections 3353 & 3354** – Tom Danner stated the Zoning Officer informed us that we need to adopt PA Vehicle Code Sections 3353 & 3354, and also handicap parking laws. Tom Danner made a motion to authorize Tim Shultis to research this issue, seconded by Pete Socks. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried unanimously.**

- 8) **Cleaning Service Quotes (Bi-Weekly) resulted in the following:**

Canon Cleaning	65.00
Merry Maids	100.00
Chris's Cleaning	60.00

Barry Cockley made a motion to accept Chris's Cleaning quote to clean the township building on a bi-weekly basis pending proof of liability insurance, seconded by Scott Kennedy. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried unanimously.**

- 9) **Job Openings** – Pete Socks stated he went on the township's Facebook page and found out that Facebook has a new job listing feature for free so I decided to test it out.
- 10) **AREMS Loan Documents** – Tim Shultis prepared loan documents for the loan to AREMS in the amount of \$85,000.00 for a period of sixty (60) months. Mr. Shultis stated included is an Explanation and Waiver of Rights regarding Confession of Judgment in the event that AREMS defaults, and Security Agreement. Berwick Township will be listed as a lien holder on the title. It is a matter of filling in the blanks. Barry Cockley made a motion to authorize Tim Shultis to prepare a resolution that authorizes this loan, and have it ready to be adopted at the next meeting. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried unanimously.**

#### **STATE POLICE**

32 calls in December

#### **UH&L**

4 calls in December  
59 total calls in 2017

#### **AREMS**

13 calls in December  
240 total calls in 2017

#### **CODE ENFORCEMENT/PERMITS**

2 permits issued in December

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Jim Graham is working out very well.

### ENGINEER'S REPORT

- 1) WWTP Operation Report – This will be our final report. We are making the transition with Ryan Swope. There is paperwork to fill out for DEP.
- 2) Hamilton Township – NOMA severed and capped the line, so there is no flow going to Berwick's sewer plant. There are manholes remaining that need to be filled in. Pete Socks made a motion authorizing Tim Shultis to send NOMA and Hamilton a letter telling them they need to fill in the manholes within 30 days, seconded by Scott Kennedy. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried unanimously.**

Tim Shultis stated we need to give Hamilton Township their final bill within 30 days from the day they disconnected.

- 3) Pending Plans Report – No action items.
- 4) Douglas & Rebecca Smith – Final Subdivision Plan (High Rock Road) – **Must act by 2/12/18** – Tim Knoebel stated they are working through the surveyor for the owner in terms of what they need to do to get their plan to comply with the comments and what we discussed with them.
- 5) O'Brien's - We did have the wetlands checked on the right-of-way and we did get a report back, but haven't had time to review it.

Tom Danner thanked KPI for all they have done at the sewer plant.

### SOLICITOR'S REPORT

- 1) Sent a letter to the Martz property on Green Springs Road, which was sold at a judicial sale. There are sufficient proceeds to pay us in full.
- 2) Siliezar's on Municipal Road filed a Chapter 13 bankruptcy. We intervened to get adequate assurance that they would continue to pay their sewer bills. The fourth quarter of 2017 was not paid in full, so I sent them a letter. They paid us 100.00, but still owe 40.00 for this quarter and 140.00 for the first quarter of 2018. We could go back to the bankruptcy court and get approval to pursue our state court remedies, which is filing a writ of certiorari facias, and disposing the property to sale. Pete Socks made a motion to authorize Tim Shultis to file with the bankruptcy court to pursue our remedies, seconded by Tom Danner. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried unanimously.**

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- 3) Wanted to make sure the Board was comfortable with the way the Manning Subdivision plan is proceeding. The Board concurred.
- 4) I need to speak to Jim Graham regarding some issues he had with the ATV Ordinance.
- 5) We have two things that are outstanding that I need to work with Tom Danner on, the fee schedule resolution, and the repealer ordinance. Tom Danner stated it should be ready by the next meeting.
- 6) At the last meeting the tax collector had given us a statement to reimburse her for various things. I have a couple of questions for her. We can offset printing, postage, books, blanks, forms for her and that's pretty much about it. We've been asked to reimburse portions of long distance phone calls. I question whether we can do that under the law. I did not want to talk to her without your authority. Tom Danner authorized the payment to the tax collector subject to Tim Shultis speaking with her and approving its legality, seconded by Barry Cockley. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried unanimously.**

#### **SUPERVISORS COMMENTS**

Scott Kennedy – None.

Tom Danner – Appreciate expressions of sympathy on the passing of my mom.

Pete Socks – None.

Barry Cockley – None.

Earle Black – Mr. Black made a motion to transfer \$100,000.00 from the General Fund Checking Account to the General Fund (Savings) Money Market account seconded by Barry Cockley. **Roll Call: Kennedy – yes, Danner – yes, Socks – yes, Cockley – yes, Black – yes. Motion carried unanimously.**

#### **PUBLIC COMMENT (GENERAL)**

- 1) **Bob Frock** – I just wanted everyone to be on Board with what I'm doing here. I spoke to Ryan a little bit about the pump stations. He assured me that you are good with what I am doing, trying to save him a few hours. Will need a couple of tools at some point. Running into a couple of issues with parking in the developments when I'm plowing. Mr. Frock was told to take a picture of the license plate, get the address, and give to the Secretary. Earle Black stated Ryan has been doing the pump stations on Sunday, but no one is doing them on Saturday. Do we need to worry about this? Tom Danner stated we will ask Ryan about this.



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- 2) **Tracy Siegle – 193 Orchard Drive** – Mr. Siegle questioned how the Board of Auditor's operates. Mr. Siegle stated Clair Cook refused to read the minutes. Pete Socks informed Mr. Siegle that the Board of Auditor's has no purpose, except to set wages for Supervisors who are also employees. Mr. Siegle stated those elected to this position should take a test, and wanted to know why the Board of Auditors could not be eliminated. Pete Socks stated this position cannot be eliminated due to the Second-Class Township Code requiring it.

Barry Cockley made a motion to adjourn at 7:15 p.m., seconded by Pete Socks. Motion carried unanimously.

The next regularly scheduled meeting of the Berwick Township Board of Supervisors will be held on February 12, 2018, 6:00 p.m. in the Municipal Building, 85 Municipal Road, Hanover, PA 17331.

Respectfully submitted,

Jean A. Hawbaker  
Secretary/Treasurer  
**BERWICK TOWNSHIP**  
**BOARD OF SUPERVISORS**