

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

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

PUBLIC COMMENT (AGENDA ITEMS) – None.

CONSENT AGENDA

Barry Cockley made a motion to approve the consent agenda, which includes the minutes of September, 10, 19, 24, and October 3, 2018, bill lists, unpaid bill lists, balance sheets dated October 5, 2018, and Road Foreman's report for September 2018, seconded by Scott Kennedy. **Roll Call: Cockley – yes, Black – yes, Danner – yes, Kennedy – yes. Motion carried.**

CORRESPONDENCE – None.

APPEARANCES

James Fritz, a local historian presented the Board with a document dated 1825 when Berwick Township was created. Mr. Fritz felt this was the proper place it should be framed and displayed.

NEW BUSINESS

- 1) **2018 Donations** – Tom Danner made a motion to donate \$1,000.00 to the H.A.R.T Center, \$250.00 to the Adams County Transit Authority, \$500.00 to the Adams Rescue Mission and \$500.00 to the Adams County SPCA. The township previously donated \$250.00 to the SPCA, seconded by Scott Kennedy. **Roll Call: Black – yes, Cockley – yes, Danner – yes, Kennedy – yes. Motion carried.**

Pete Socks joined the meeting at 6:15 p.m.

- 2) **Authorize Advertisement of Intent to Adopt 2019 Budget** – Barry Cockley made a motion to authorize advertisement, seconded by Earle Black. **Roll Call: Black – yes, Cockley – yes, Danner – yes, Kennedy – yes. Motion carried.**
- 3) **General Fund CD Maturity 10-29-18** – Pete Socks made a motion to transfer the money into a 48-month CD with ACNB, seconded by Earle Black. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**
- 4) **Consider Adopting Fireworks Ordinance No. 2018-05** – The Board offered public comment on the proposed Fireworks Ordinance. Hearing none, Tom Danner made a motion to adopt Ordinance No. 2018-05, seconded by Scott Kennedy. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**

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AN ORDINANCE REGULATING THE USE OF CONSUMER FIREWORKS AND PROVIDING FOR THE GRANTING OF PERMITS FOR THE USE OF DISPLAY FIREWORKS, PRESCRIBING SAFEGUARDS CONCERNING SAME, PROHIBITING THE USE OF DISPLAY FIREWORKS WITHOUT OBTAINING A PERMIT THEREFORE, AND PRESCRIBING PENALTIES FOR VIOLATIONS.

ADAMS REGIONAL EMERGENCY MEDICAL SERVICES (AREMS)

No report sent for September

UNITED HOOK & LADDER

2 calls in September

STATE POLICE

33 calls in September

CODE ENFORCEMENT/PERMITS

8 permits and 5 violations in September

Tom Danner stated there is a dead tree in Villa Vista, which is a safety issue and overhanging on the township road. Jim Graham sent the owner a letter, but did not get a response. Tom Danner made a motion for Tim Shultis to follow-up on this issue and proceed with sending a letter, seconded by Barry Cockley. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**

ENGINEER'S REPORT/PLANS

- 1) **Pending Plans Report** – October
- 2) **Doug Smith Final Subdivision – Request for an extension – Must act by 10/8/18** – Tom Danner made a motion to grant a 90-day extension from October 1, 2018, seconded by Barry Cockley. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**
- 3) **Kinneman Holdings Update** – Tom Danner stated they can't get into the retention pond right now because it's too wet, but will take care of it when they can.
- 4) **Residence at the Bridges – Prel. Subdivision/Land Development Plan (Lobell & Kinneman Roads) – Must act by 10/31/18** – Tim Shultis is working on the Developer's Agreement.

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Tim Knoebel stated he reviewed and commented on the revised plans. Some of those comments were discussed and recommended that the Board could approve the plan with conditions.

Tom Danner made a motion to approve the Preliminary Subdivision/Land Development Plan for the Residence at the Bridges conditioned on meeting all conditions in KPI Technologies letter dated October 5, 2018, seconded by Earle Black. Applicants agreed at this meeting that they accept all of the conditions. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**

- 5) **Todd & Melanie Kennedy – Final Subdivision Plan/Non-Building Waiver (351 Summit Drive) – Must act by 12/10/18 -**

The plan proposes to subdivide lot 1A and Lot 4 from existing lot 3 and add them to lot 1 and lot 2 respectively. Lot 3 will retain 10 acres, while new lot 1 will have 83.5 acres and new lot 2 will have 37.7 acres.

Tom Danner made a motion to approve the Non-Building Waiver for Todd & Melanie Kennedy, seconded by Barry Cockley. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**

Tom Danner made a motion to approve the Todd and Melanie Kennedy Final Subdivision Plan subject to KPI Technology's letter dated October 2, 2018, and receipt of an updated review letter for the revised plan from Adams County Planning, seconded by Pete Socks. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**

- 6) **Robert, Lydia & Linda O'Brien – Deed of Remaining Lands** – A letter was received from Ed Mort, Group Hanover, Inc. stating Ellen Dayhoff, County Rural Resource Manager reviewed the plan and that a new deed would not be required until the final 2 lots are sold due to the Clean and Green requirement.

Barry Cockley made a motion to modify that condition of approval based on Ed Mort's letter dated October 3, 2018, seconded by Tom Danner. **Roll Call: Black – yes, Cockley – yes, Socks – abstained, Danner – yes, Kennedy – yes. Motion carried.**

- 7) **Cambrian Hills** – Continue to do work.

SOLICITOR'S REPORT

- 1) **Robert and Linda O'Brien** – Tom Danner made a motion to execute the Sewage Capacity Reservation Agreement for Robert and Linda O'Brien, seconded by Scott Kennedy. **Roll Call: Black – yes, Cockley – yes, Socks – abstained, Danner – yes, Kennedy – yes. Motion carried.**

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- 2) **Kelly Road** – Have not received a response from the owner requesting their permission for the township to post No Parking signs at the intersection of Kelly Road and the right-of-way.
- 3) **Bermudian Keys** – They did everything that was required. They need to post the bond and make a payment of \$1,643.00 for the liquid fuels escrow, which the township would have received in 2019. We will need to record the deed of dedication and file the resolution.

Pete Socks made a motion to authorize the Chairman to sign Resolution 2018-10 upon receipt of a signed agreement with respect to liquid fuels and the bonding, seconded by Earle Black. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**

Pete Socks made a motion to authorize the Chairman to execute the agreement with DAK Properties relative to the liquid fuels escrow that we will be held, seconded by Tom Danner. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**

PUBLIC COMMENT (GENERAL)

SUPERVISORS COMMENTS

Scott Kennedy – None

Barry Cockley - None

Earle Black – We are looking at getting someone to haul the leaf collector back to the township building. Tom Danner made a motion to research and get tags and capping the amount at \$2,000 to ship it back to the township, seconded by Barry Cockley. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**

Mr. Black stated the numbers are worn off of the plow, so the regional agent from Harrisburg will come down to tell us what we have and give us prices to downsize.

Tom Danner – Received one RFP back for the township building improvements. We are still waiting for two more. Went out with Bryan Long to review roads. We may need to put in a culvert pipe at Beaver Creek Road to correct the water issue. Tom Danner made a motion authorizing KPI Technology to meet with Bryan Long regarding the Beaver Creek Road water issue, seconded by Scott Kennedy. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**

Pete Socks – Will take care of getting the document that was presented to the Board framed. The Zoning Hearing Board appointed another solicitor, whereby approving spending funds for this attorney, which they aren't authorized to do. Pete Socks made a motion to ratify the approval of the Zoning Hearing Board Solicitor appointment, Harold Eastman at an hourly rate of \$170.00, seconded

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by Tom Danner. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.** Pete Socks made a motion authorizing Tim Shultis to review and make changes as needed to the Zoning Hearing Board's bylaws since they were last updated 20 years ago, seconded by Scott Kennedy. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**

Pete Socks also stated that Jean Hawbaker takes minutes of all Zoning hearings, which requires the office to be closed during the hearings. We also hire a stenographer for each hearing. We checked with 13 other townships to see how many township secretary's take minutes for Zoning Hearings, only 1 township does. I do not see any need for the township secretary to take these minutes. It's redundant, we have to close the office, and if an applicant appeals a decision, it could put us in a legal bind. Tom Danner will speak to the Chairman of the Zoning Hearing Board on this issue, and will invite to the next meeting.

UNFINISHED BUSINESS

- 1) **Website Status** – Nothing new to report.
- 2) **Tom Stylc unused vacation time** – Tom Danner made a motion that Mr. Stylc's unused vacation time will be handled as per the human resource manual, seconded by Barry Cockley. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**

The Board went into executive session at 8:11 p.m. to discuss a personnel matter.

The Board came out of executive session at 8:40 p.m.

Pete Socks made a motion to adjourn the meeting at 8:40 p.m., seconded by Barry Cockley. Motion carried.

Respectfully submitted,

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