

**BERWICK TOWNSHIP  
BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES DECEMBER 13, 2021**

**CALL TO ORDER AND PLEDGE TO THE FLAG** – The Berwick Township Board of Supervisors held their regular meeting on Monday, December 13, 2021 at 6:00 p.m. in the Municipal Building, 85 Municipal Road, Hanover. Present were Supervisors Pete Socks, Tom Danner, Barry Cockley, Earle Black, Scott Kennedy, Solicitor Tim Shultis, Engineer Tim Knoebel, Roadmaster Bill Scott, Zoning Officer Andrew Myers, Secretary Jean Hawbaker.

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

**APPROVE CONSENT AGENDA**

Barry Cockley made a motion to approve the consent agenda, which consists of the minutes of November 8 and 23, 2021, bill lists, unpaid bill lists and balance sheets dated December 10, 2021, and Police/Fire/AREMS Reports for November 2021, seconded by Earle Black. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes. Motion carried.**

**APPEARANCES**

- 1) **Adams County Transportation Planning Organization** – Laura Neiderer was present to explain the Adams County Long Range Transportation Plan. This organization prioritizes and allocates funds for state owned and maintained roads and bridges, bicycle/pedestrian safety, and other transportation-related improvements. Federal Regulations requires that the plan is updated every five years and cover a 20-year planning horizon. The purpose is to facilitate conversation on concerns, thoughts and feedback about the transportation network in the municipality. The purpose is also to identify candidate project locations to be added to the County's Long Range Transportation Plan.

**ROADMASTER'S REPORT/EMC UPDATE – NOVEMBER**

- 1) Continue to pick up leaves.
- 2) Ordered replacement parts for the leaf collector.
- 3) Will get more information for the salt shed after the first of the year.

**CODE ENFORCEMENT/PERMITS – NOVEMBER**

- 1) 5 permits and 2 violations issued in November.
- 2) Approximately 25% of photos added to parcel files.

Tom Danner wanted to know how many of the signs were documented and those that weren't, and bringing them into compliance. Mr. Myers stated he hasn't found many permits for them. Once the signs are identified, the process is to contact the business owner and offer them a certificate of non-compliance. Mr. Myers attended a training in Enola for the Zoning Academy. It was very informative.

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## UNFINISHED BUSINESS

- 1) Lincoln Speedway – Sky Lanterns – Residents Dick Mondorff of 398 Beaver Creek Road, Judy Coldren of Abbottstown Pike, Andrew Breighner of 305 High Rock Road West, Chris Adler of Kelly Road, Dakota Yohe of Beaver Creek Road and Alex Cistone of Abbottstown Pike voiced their concerns regarding the sky lanterns that were used at a recent event held at the Lincoln Speedway. There was concern about property damage, crops, animals, litter, property trespass and liability.

Spencer Humiston, owner of Night Lights was present to address the concerns of the residents. These comments are concerning to me and I was shocked to find the number of lanterns not cleaned up. If you are concerned about damage to your property, then we have completely failed to have conversations with you. I think this event has been good for the Speedway and the community. Something failed at this event, and I am open to any suggestions.

Barry Cockley stated the trash is a problem, but there is an actual danger here with open flames on these paper lanterns. When some of these come down, they are going to have the flame intact or the paper burning. This cannot be allowed in a residential area.

Pete Socks read the House Bill introduced by Dan Miller, “A sky lantern sparked a fire in Myrtle Beach, South Carolina, that ended up burning 800 acres. In North Carolina, a cell phone tower was struck and ignited. A recycling plant caught fire in England after a sky lantern landed in it, with devastating financial consequences. And there are environmental concerns as well, stemming from the debris left behind when a “used” fire lantern returns to the ground, including reported incidents in which livestock died after eating that debris. Because of these concerns, thirty states and many local communities have already addressed the threat posed by sky lanterns through regulatory or legislative action”. This bill is sitting in house committee right now, based on what I am hearing and the inability to control the lanterns, I am going to suggest to the Board to look at adopting this bill as an ordinance. The restriction includes, a “person commits an offense, if the person releases a sky lantern into the air space above the surface of the ground within this Commonwealth, unless the sky lantern is tethered or otherwise restricted from floating freely. A violation is considered a misdemeanor of the third degree”.

Tim Shultis wanted to know if it was possible to contain the lanterns on the property that you are licensed to do it. Mr. Humiston stated no. There is not a way to keep them on the event property. Depending on the wind speed, they could go up to a mile. Over the course of releasing a half million of these things over the last 5 years, I worry about fire always, but less of a worry now, then making sure they get cleaned up and property owners aren't affected.

Tom Danner stated of all of the things that are disturbing to me is the phone call that I made upon the request of the Speedway Manager to have a private meeting prior to tonight's meeting with your company. I made it clear that would be in violation of the “Sunshine Act”. The litter is unacceptable and your cleanup process, and how you notify and get permission to go onto someone's property seems to be lacking. This matter has been totally handled wrong, and no one bares responsibility except for Lincoln Speedway and the company that organized it.

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Earle Black stated he has lived up there in the hills for 32 years and it's discouraging. I live more than a mile from here and they were everywhere, even in the trees.

Scott Kennedy stated there is no excuse for it. It's no different than someone throwing a bag out of the window, it's garbage. You need to clean it up.

Pete Socks made a motion to mirror the pending legislation to regulate the activity into an ordinance and authorized Tim Shultis to prepare it, seconded by Barry Cockley. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**

Tom Danner made a motion to authorize Tim Shultis to research the pre-existing non-conforming use of Lincoln Speedway for the purpose of finding out whether other events, other than auto racing, is a permitted use, seconded by Barry Cockley. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**

Tom Danner made a motion to authorize Tim Shultis to research if there is an Amusement Tax violation with this event, seconded by Pete Socks. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**

Tom Danner made a motion to authorize Tim Shultis to send Lincoln Speedway a letter stating that all future communications with the township be submitted in writing or email, seconded by Scott Kennedy. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**

- 2) **Fire Service Area Mapping and Analysis Initiative** – Tom Danner made a motion to approve the Data Use Authorization Agreement, seconded by Barry Cockley. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**
- 3) **Township Newsletter** – Pete Socks made a motion to schedule a workshop on January 18, 2022 at 8:30 a.m. to discuss the newsletter, and any other business, seconded by Scott Kennedy. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**

## **NEW BUSINESS**

- 1) **Set Re-organizational meeting, Township Auditor's & Planning Commission** – Pete Socks made a motion to set the Re-organization meeting on January 3, 2022 at 8:30 a.m., Auditor's meeting on January 4, 2022 at 5:00 p.m. and the Planning Commission meeting on January 5, 2022 at 6:00 p.m., seconded by Scott Kennedy. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**
- 2) **Audit Engagement Letter (SEK)** – Tom Danner made a motion to sign the audit engagement letter, seconded by Barry Cockley. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**

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- 3) **General Fund CD Maturing 12/19/21** – Pete Socks made a motion to move the CD to People’s Bank for 14 months, seconded by Scott Kennedy. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**
- 4) **Request a needs analysis from the State Police** – Barry Cockley made a motion authorizing Tom Danner to gather information from the State Police, seconded by Scott Kennedy. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**
- 5) **Foldable Shop Crane 1-Ton Capacity** – Tom Danner made a motion to purchase a foldable shop crane 1-ton capacity as discussed with Ryan Swope for the sewer plant in the amount of \$229.99, seconded by Earle Black. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**
- 6) **PSATS 2022 Conference** – Pete Socks made a motion to authorize up to 5 Supervisor’s and the Roadmaster to attend the PSATS 2022 Conference, which will be held April 24-27, 2022, seconded by Tom Danner. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**
- 7) **Conference room table** – Tom Danner will gather information and pricing.

#### **ENGINEER’S REPORT/PLANS**

- 1) **SKL Real Estate, LLC** – Final Land Development Plan/Sewage Planning Module – (1565 Carlisle Pike) – **Must act by 1/22/22**

Barry Cockley made a motion to grant SKL Real Estate, LLC a waiver to (Section 303) – Submission of a Preliminary Plan, seconded by Tom Danner. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**

Barry Cockley made a motion to approve the SKL Real Estate, LLC Final Land Development Plan/Sewage Planning subject to addressing the comments on KPI Technology’s letter dated November 8, 2021, and Adams County Office of Planning letter dated July 7, 2021, seconded by Scott Kennedy. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**

- 2) **Alex Cistone – Prel/Final Land Development Plan** – (Bermudian Keys, Lot 11) – **Must act by 1/1/22**

Pete Socks made a motion to grant Alex Cistone the following waivers: a) to the requirement to submit a preliminary plan (303); b) to allow the use of 2-foot contour intervals instead of the required 1-foot interval (409.D.3); c) to have an access drive less than the 200-foot minimum from an intersection (405.B.1); d) to the requirement to have bituminous or concrete paving material on

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the parking area (404.A.2), seconded by Barry Cockley. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**

Barry Cockley made a motion to approve the Alex Cistone Final Land Development Plan subject to addressing the comments on KPI Technology's letter dated December 1, 2021, and Adams County Office of Planning letter dated August 23, 2021, seconded by Pete Socks. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**

3) **Apple Automotive, Inc. – Prel/Final Land Development Plan – (Route 94/Green Springs Road) – Must act by 3/31/22**

Bob Sharrah was present and stated he is not asking for any action on the Apple Automotive Inc. Plan tonight, however; he did request the Board to allow the submission of their building plans to PA Municipal Code Alliance to avoid a delayed start when the DEP and PennDOT approvals come through. Mr. Sharrah stated they are aware of the cost associated with this review and are willing to take the risk in the hope of saving some time at the end of the Land Development Plan approval process.

Pete Socks made a motion to allow Mr. Sharrah to submit the Apple Automotive, Inc. building plans to PA Municipal Code Alliance for their review, seconded by Scott Kennedy. **Roll Call: Black – yes, Cockley - yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**

4) **Kinneman Road South – Updated invoices and signed change order** – Tim Knoebel stated a recommendation for payment was previously made for payment request #2 and #3 based on adjustments that had to be made to bid items and quantities. The contractor has provided pay request #4 that shall serve as a deduction for the above-mentioned bid items and quantities. The total payment to the Contractor (New Enterprise Stone & Lime Co., Inc.) for the Kinneman Road South Road Improvements Contract for payment Requisitions No. 2 through No. 4 is \$101,252.02.

Tom Danner made a motion to approve payment to New Enterprise Stone & Lime Co., Inc. for the Kinneman Road South Road Improvements Contract for Payment Requisitions No. 2 through No. 4 in the amount of \$101,252.02, seconded by Barry Cockley. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**

5) **Sutton Run Development** – Pete Socks made a motion authorizing Tom Danner to attend Abbottstown Borough Council Meeting to discuss cooperative plan issues for the Sutton Run Development, seconded by Barry Cockley. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**

## **SOLICITOR'S REPORT**

1) **Bermudian Keys, Lot 1 Bond Release** – Tim Shultis explained Bermudian Keys, Lot 1 property has been sitting undeveloped for many years. It was sold by Kinsley Equities III, L.P. to a third party, and Kinsley is seeking release from the improvement bond. Mr. Shultis stated the developer will need to sign an agreement, which essentially nullifies the

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plan of record, so the plan is no longer active and effective. There is one improvement on the lot which is a stormwater retention pond, and there is a current O&M Agreement of record and will remain of record, binding the owner and all successors to maintain the pond.

Tom Danner made a motion to approve the release of the bond in the amount of \$74,404.00 subject to full execution of the agreement and acknowledgement, seconded by Barry Cockley. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**

Earle Black made a motion to authorize the Chairman to sign the agreement and acknowledgement when we receive it signed by the developer and the purchaser, seconded by Barry Cockley. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**

- 2) **New Hope Ministries – ARPA Distribution** – Mr. Shultis provided the Board with a draft Subrecipient Agreement between the township and New Hope Ministries. Spoke to Eric Saunders about it to review and sign this. The other thing I am going to require of them is to ask us for the money in writing. I have provided to them a sample agreement for them to mirror and send back, which will tell us who they are, what they want and what they are going to use it for. That agreement will be an Exhibit “A” to the Subrecipient Agreement, we will have the resolution, their letter and the Subrecipient Agreement, and then I think we will be fine with ARPA.

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

- 1) **Judy Coldren** – Thanked the Board for their dedication to the township.

The Board went into executive session at 7:47 p.m. to discuss a personnel matter.

The Board came out of executive session at 8:15 p.m.

Scott Kennedy made a motion to adjourn at 8:15 p.m., seconded by Barry Cockley. Motion carried.

**The next regularly scheduled meeting of the Berwick Township Board of Supervisors will be held on January 10, 2022, 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**