



Dickinson Township
219 Mountain View Road
Mount Holly Springs, PA 17065
Phone: (717) 486-7424 ♦ Fax: (717) 486-8412
www.dickinsontownship.org

**REGULAR MEETING
BOARD OF SUPERVISORS MEETING
January 7, 2013**

PRESENT: JONATHAN REISINGER, BOB WRIGHTSTONE, ALLYN PERKINS - SUPERVISORS; Laura Portillo, Manager; Larry Barrick, Assistant Manager/Zoning & Codes Enforcement Officer; Denise Gembusia, Secretary/Treasurer; Susan Smith, Township Solicitor.

VISITORS: David Liberator, A.C.Kuhn, Ellen Colyer, Dan Wyrick, Judy Brough, John Madden.

CALL TO ORDER & PLEDGE OF ALLEGIANCE

Chairman Wrightstone called the meeting to order at 6:00 pm.

OPENING ANNOUNCEMENTS

Chairman Wrightstone noted that an executive session was held on December 17, 2012 from 7:45pm until 8:00pm to discuss threatened litigation from Mr. Charles Breslin.

Another executive session was held on December 18, 2012 from 7:23pm until 7:38pm to discuss potential litigation with Lindenwood.

West Yellow Breeches Road between North Dickinson School Road and Stuart Road will be closed Tuesday, January 8, 2013 between 8:00am and 3:00pm for replacement of a culvert.

Solicitor Smith repeated that an executive session was held on January 7, 2013 from 5:35pm until 5:55pm to discuss possible litigation regarding Lindenwood Park and Gettysburg Railroad.

APPROVAL OF AGENDA

Vice Chairman Reisinger motioned to approve the agenda as submitted. Supervisor Perkins seconded the motion and it passed unanimously.

APPROVAL OF MINUTES

1. December 17, 2012 Board of Supervisors Meeting Minutes
2. December 18, 2012 Joint BOS and Park & Recreation Meeting Minutes

Vice Chairman Reisinger motioned to accept the December 17, 2012 Board of Supervisors meeting minutes and the December 18, 2012 joint Board of Supervisors and Park & Recreation meeting minutes as presented. Chairman Wrightstone seconded the motion and it passed with a 2 -1 vote. Supervisor Perkins cast the dissenting vote.

CONSENT AGENDA

Vice Chairman Reisinger motioned to approve the consent agenda as submitted. Chairman Wrightstone seconded the motion and it passed unanimously with the following items approved:

1. Pay Bills

2. Authorize the Cumberland County Bureau of Elections to use the Township Building on Tuesday, May 21, 2013 and Tuesday, November 5, 2013 with the polls to be open from 7:00am to 8:00pm.

CHAIRMAN'S REPORT

No report was submitted.

PLAN REVIEW/CONDITIONAL USE HEARINGS

No plans were reviewed.

PUBLIC INPUT (non-agenda items)

No public input was offered.

EMERGENCY SERVICES REPORT

No representative was present.

NEW BUSINESS

1. **HEARING – Ordinance amending the code of the Township of Dickinson, Chapter 23, Manager, to provide specific authority to the Township Manager to enter into routine and administrative contracts and agreements.**

At 6:16pm, Chairman Wrightstone opened the public hearing regarding the draft ordinance to amend Chapter 23 of the Dickinson Township Code to provide specific authority to the Township Manager to enter into routine and administrative contracts and agreements. The hearing was properly advertised and proof of publication was received.

Judy Brough asked what constitutes a routine contract or agreement. Manager Portillo provided examples, citing things such as rented machinery for road projects. All contracts would be reported to the Board at the next meeting. With no further public comment, Chairman Wrightstone closed the hearing at 6:19pm.

2. **Discussion and action on change to Manager's Ordinance.**
Supervisor Perkins motioned to amend the code of the Township of Dickinson, Chapter 23, Manager, to provide specific authority to the Township Manager to enter into routine and administrative contracts and agreements. Chairman Wrightstone seconded the motion and it passed unanimously.
3. **Resolution 2013-01 – Delegating to and authorizing Manager Portillo to execute certain routine and administrative contract and agreements on behalf of the Township.**
Solicitor Smith reviewed what type of contracts Manager Portillo would be authorized to execute. They include janitorial services, copier lease, equipment rental, equipment repair, denitrification system maintenance agreements, software support services and utility contracts. Vice Chairman Reisinger motioned to approve Resolution 2013-01, delegating to and authorizing Manager Laura Portillo to execute certain routine and administrative contracts and agreements on behalf of the Township. Supervisor Perkins seconded the motion and it passed unanimously.
4. **Authorization to purchase front loader for \$121,197.00 through COSTARS contract.**
Chairman Wrightstone explained that the purchase of the front loader was discussed during the budget meetings and has been budgeted for the 2013 calendar year. Vice Chairman Reisinger motioned to purchase the John Deere 524K loader through Costars contract 2420-02 with Plasterer Equipment at a total cost of \$121,197.00 with funds coming from the new Capital Reserve Fund. Supervisor Perkins seconded the motion and it passed unanimously.
5. **Acceptance of Park & Recreation resignation Wally Eckman.**
Vice Chairman Reisinger motioned to accept the resignation of Walter Eckman from the Park and Recreation Board. Chairman Wrightstone seconded the motion and it passed unanimously.

6. **Resolution 2013-02 – Public Comment Policy.**

Chairman Wrightstone explained the proposed change to the public comment policy. The five minute time limit would be moved to non-agenda items. On agenda items, a reasonable period of time would be allowed for public comment before a motion would be made by the Board.

Dan Wyrick offered an example of why an issue might surpass the 30-minute agenda item public comment time. Chairman Wrightstone said that the Board would be able to waive the time limit on an agenda item if the issue was highly contentious. Vice Chairman Reisinger suggested waiving the time limit on sensitive agenda items at the beginning of a meeting. Solicitor Smith further clarified this idea, stating that an item could be discussed for a greater length of time at the Board's discretion, but should be decided on prior to the actual discussion. Supervisor Perkins wondered if the policy could be used as a filibuster. Solicitor Smith responded that the meetings are a conduit for business and not for a verbal battle to deter that business from occurring. A discussion ensued. Vice Chairman Reisinger motioned to approve Resolution 2013-02 which amends the public meeting policy to clarify procedures for non-agenda and agenda items. Chairman Wrightstone seconded the motion and it passed unanimously.

7. **Letter of Credit – A.C. Kuhn.**

Manager Portillo explained that Susquehanna Bank made an error on the letter of credit for the temporary roadway at the Dennison Farm. The letter of credit, number 10008329400, is dated July 26, 2010 for \$38,969.00. A.C. Kuhn requested that the letter of credit be released. However, he and David Liberator need to change the reference to the plan prepared by Evan Engineering to Brehm-Lebo Engineering. This must be corrected before the Township can consider the release of the letter of credit for the Dennison Farm temporary road. Vice Chairman Reisinger motioned to reject the request by A.C. Kuhn to release the letter of credit until the typographical errors are corrected. Supervisor Perkins seconded the motion and it passed unanimously.

8. **Ratification of Authorization to Solicitor to file objection to motion to destroy records for Centax.**

Dickinson Township's former earned income tax (EIT) collector, Centax, filed for bankruptcy in 2012. A Receiver for Centax filed a motion with the court to destroy paper records. On December 31, 2012, an individual phone poll was taken by the Manager of the Board of Supervisors. All agreed to give authorization to the Solicitor to file an objection to the Receiver's motion to destroy Centax records from 2009 to 2011. The objection was due to the court by January 8, 2013, so the filing had to be completed and in the mail prior to that date.

Dan Wyrick asked if the Receiver's intention is to close the Centax books for the 2009-2011 years. Solicitor Smith said she believed that the Receiver's motion implies that intention.

Vice Chairman Reisinger motioned to ratify the authorization for the Solicitor to file an objection to the motion of the Centax Receiver to destroy records. Supervisor Perkins seconded the motion and it passed unanimously.

9. **Authorization to Solicitor to take any and all actions necessary in Centax receivership proceeding.**

Solicitor Smith asked to appear at the January 16, 2013 hearing regarding the Centax Receiver's motion to destroy paper records and to place a claim with Centax's bonding company, Traveler's Insurance. Manager Portillo recommended giving approval to the Solicitor for the two items. She noted that the Township is about \$250K short from prior year EIT collection. However, the actual amount uncollected and whether or not the collected amounts were correctly received are still unknown.

Judy Brough asked if the Solicitor fees to attend the hearing would be shared with other municipalities. Solicitor Smith said that Dickinson Township is her only Cumberland County client and that Cumberland County is the only County affected by this filing.

Supervisor Perkins motioned to authorize the Solicitor to attend the January 16th hearing, send notice to Traveler's Insurance and take any and all action necessary for ratification in the Centax Receivership proceedings. Chairman Wrightstone seconded the motion and it passed unanimously.

10. **Board discussion on Park & Recreation direction on Lindenwood Park.**

After the December 18, 2012 joint meeting with Park and Recreation, the Board of Supervisors promised to provide direction to the Park and Recreation Committee after the Solicitor's legal review of documents associated with the purchase of the Lindenwood Park land. Vice Chairman Reisinger said that if a park were developed at Lindenwood, he would hope that the developer and the school district would partner with the Township to most effectively develop the land. Manager Portillo told the Board that John Madden said he would offer engineering services pro-bono for the development of the park. Chairman Wrightstone wanted the Park and Recreation Committee to understand that selling off Lindenwood park land was not a viable option. The tree grant is still available and Manager Portillo said she would encourage the Park and Recreation Committee to complete the necessary paperwork.

Dan Wyrick asked how the Board was giving direction to the Park and Recreation Committee since they are a recommending body only. Manager Portillo said that the Committee is well aware of their inability to make decisions regarding Township funds, but noted that they approach the Board with ideas on how to proceed. The Board gave consensus to inform the Park and Recreation Committee to proceed with ideas, noting that the sale of land is not an option.

OLD BUSINESS – (NOTHING NEW WAS REPORTED)

1. **DTMA Dissolve**
2. **Zoning/Saldo Draft Ordinances**
3. **Master Stormwater Feasibility Study – Mountain View Road Drainage**

MANAGER'S REPORT

Manager Portillo submitted her report without any additions, but noted that Zoning Officer Barrick was bitten by a dog. The claim is covered by Worker's Comp, but the Township will seek reimbursement from the dog owner.

TREASURER'S REPORT

Secretary/Treasurer Gembusia submitted her report without any additions.

ZONING OFFICER'S REPORT

Zoning Officer Barrick had no additions to his report.

ENGINEER'S REPORT

Engineer Reichard was not present.

SOLICITOR'S REPORT

Solicitor Smith had no additions to her report.

SUPERVISORS' REPORTS

There were no reports submitted from the supervisors.

ADJOURNMENT

Chairman Wrightstone motioned to adjourn the meeting at 7:05 pm. Vice Chairman Reisinger seconded the motion and it passed unanimously.

Respectfully submitted,



Denise Gembusia, Secretary/Treasurer