



Dickinson Township
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BOARD OF SUPERVISORS MEETING February 18, 2013

PRESENT: JONATHAN REISINGER, BOB WRIGHTSTONE (*from, France via Skype*), ALLYN PERKINS - SUPERVISORS; Laura Portillo, Manager; Larry Barrick, Assistant Manager/Zoning & Codes Enforcement Officer; Denise Gembusia, Secretary/Treasurer; Susan Smith, Township Solicitor; Jason Reichard, Engineer.

VISITORS: Judy Brough, Ellen Colyer, Randy Nichols, Gil Picarelli, Rich Nutting, Marie Nutting, Ray Jones, Bob Dunham, J.R. Barrett, Bob Martin, Phil Thompson, Jane Mitchell, Glenn Mitchell, David Liberator, Dean Bucher, Michael Rugh, Ivan Bretzman, Greg Bretzman, Paul Cunningham, Ray Highlands.

CALL TO ORDER & PLEDGE OF ALLEGIANCE

Vice Chairman Reisinger called the meeting to order at 6:00 pm and led the audience in the pledge of allegiance.

OPENING ANNOUNCEMENTS

The Board of Supervisors delayed the opening announcements until Ivan Bretzman arrived.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

1. *January 7, 2013 Board of Supervisors Organization Meeting Minutes*

Chairman Wrightstone motioned to accept the January 7, 2013 Board of Supervisors Organization meeting minutes as presented. Vice Chairman Reisinger seconded the motion and it passed with a 2 - 1 vote. Supervisor Perkins cast the dissenting vote.

2. *January 7, 2013 Board of Supervisors Regular Meeting Minutes*

Chairman Wrightstone motioned to accept the January 7, 2013 Board of Supervisors regular meeting minutes as presented. Vice Chairman Reisinger seconded the motion and it passed with a 2 - 1 vote. Supervisor Perkins cast the dissenting vote.

CONSENT AGENDA

Supervisor Perkins 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. Ratify bill payments from January 21, 2013.
3. Ratify bill payments from February 4, 2013.

CHAIRMAN'S REPORT

No report was submitted.

PLAN REVIEW/CONDITIONAL USE HEARINGS

No plans were reviewed.

PUBLIC INPUT (non-agenda items)

Randy Nichols, 131 Richland Road, expressed concern regarding the farmer next to his property spreading something toxic on his fields. Mr. Nichols asked if the Board could do something to stop it or inspect it. Solicitor Smith said that nutrient management is not regulated by the Township and recommended he contact DEP. Chairman Wrightstone said that a representative from DEP visited the area and asked Zoning Officer Barrick to explain further. Zoning Officer Barrick explained that the farmer has a class B sludge application, which is legal and does not require the sludge application by injection. Solicitor Smith offered Mr. Nichols guidance on how to submit a complaint to DEP and what recourse he could take regarding this matter.

Rich and Marie Nutting asked who regulates the airborne contaminants and if anything could be done to remedy the odor. They were also referred to the DEP and were given the phone number by Zoning Officer Barrick.

Solicitor Smith guided the concerned residents to E-facts. It is a public records site which will have the permit available for review. The Board directed staff to contact DEP to determine what could be done to assist those affected by the sludge spreading, if anything.

Dean Bucher discussed the dumping practices and storage techniques being utilized at the farm. He said the sludge is being tracked onto the road, into their homes and on their pets. He described the odor as the smell of dead animals and discussed the decreasing air quality.

Phil Thompson said that the citizens want action and the Board should adopt a "can-do" attitude. Vice Chairman Reisinger said that the Board directed staff to contact DEP regarding the complaints as well as asking the residents to file formal complaints. Vice Chairman Reisinger explained that the goal was to get a preponderance of complaints. Mr. Thompson then asked to know the status of Mr. Livingston being accused of taking a document from the township. He said that he has evidence that documents were taken from the township, but not by Mr. Livingston. Mr. Thompson questioned if the report regarding the Smith-Barney CD transfer had been finalized. He stated that Manager Portillo authored the report and asked why she did not include certain emails in it. He said that the report was not truthful. Mr. Thompson said that he was denied a record based on the fact that it didn't exist. However, in the letter denying the request, language was included that said that the record, even if it did exist, was investigatory in nature and would not be public record. Mr. Thompson said that he was convinced that the record exists. He asked how it could be determined that the record was investigatory in nature if it didn't exist. Lastly, he told the board that the citizens are going to activate a website and that the domain was already secured.

There was no further public input.

EMERGENCY SERVICES REPORT

The Board of Supervisors presented Ivan Bretzman with a Fire Chief Emeritus Award for his many years of service to Dickinson Township and its residents as Fire Chief. The Board thanked Ivan for protecting the township for over 26 years. Ivan thanked the Board for the award. He also thanked his family and said that none of it would have been possible without their support. He thanked the residents of the Township and said that everything he has done has been for them.

Greg Bretzman reviewed the 2012 fire report numbers with the Board. There were a total of 182 fire alarms from the 9-1-1 communications center. Bendersville Fire Company will be hosting a medic unit beginning April 1, 2013. This unit will be known as Adams County Medic 53 and will provide a better response time to residents on the south side of Dickinson Township.

NEW BUSINESS

1. **HEARING ORDINANCES**

a. **Amendment to Zoning Ordinance due to legislation recently enacted by the Pennsylvania General Assembly for Board discussion and action.**

At 6:59pm, Solicitor Smith opened the public hearing regarding draft ordinance 2013-02, an ordinance amending the zoning ordinance to conform to Act 191 of 2012, the Pennsylvania Wireless Broadband Collocation Act. She provided a synopsis of the ordinance and noted that the draft was available for review and properly advertised. The Board asked for public comment, but none was offered. The Board had no discussion regarding the ordinance. With no further discussion, Solicitor Smith closed the hearing on Ordinance 2013-02 at 7:01pm.

b. **Amendment to Subdivision and Land Development Ordinance due to legislation recently enacted by the Pennsylvania General Assembly for Board discussion and action.**

At 7:01pm, Solicitor Smith opened the public hearing regarding draft ordinance 2013-03, an ordinance amending the subdivision and land development ordinance to conform to ACT 154 of 2012, which amended sections 503, 509 and 510 of the Pennsylvania Municipalities Planning Code. She provided a synopsis of the ordinance and noted that the draft was available for review and properly advertised. The Board asked for public comment, but none was offered. The Board had no discussion regarding the ordinance. With no further discussion, Solicitor Smith closed the hearing on Ordinance 2013-03 at 7:03pm.

2. **Discussion and action on Ordinances.**

a. **Amendment to Zoning Ordinance.**

Supervisor Perkins motioned to approve Ordinance 2013-02, an ordinance amending the zoning ordinance to conform to Act 191 of 2012, the Pennsylvania Wireless Broadband Collocation Act. Chairman Wrightstone seconded the motion and it passed unanimously.

b. **Amendment to Subdivision and Land Development Ordinance.**

Supervisor Perkins motioned to approve Ordinance 2013-03, an ordinance amending the subdivision and land development ordinance to conform to Act 154 of 2012, which amended Sections 503, 509 and 510 of the Pennsylvania Municipalities Planning Code. Chairman Wrightstone seconded the motion and it passed unanimously.

3. **Adoption of Resolution 2013-03, amending the budget for the year 2012, to redistribute budget amounts, and thereby balancing the budget for the fiscal year of 2012.**

Treasurer Gembusia explained that in accordance with the requirements of Second Class Township Code, Article 32, Section 3202 (E-F), the Board may, by Resolution, transfer unencumbered monies from one township account to another in order to balance the previous years' budget. This Resolution is completed and adopted every year by the Board.

Supervisor Perkins motioned to adopt Resolution 2013-03, amending the budget for the year 2012, to redistribute budget amounts, and thereby balance the budget for the fiscal year of 2012. Chairman Wrightstone seconded the motion and it passed unanimously.

4. **Ratification of Resolution 2013-04, changing the compensation of the office of the elected Tax Collector.**

The Local Tax Collection Law, Section 5511.36a provides that "[w]hen any taxing district or taxing authorities propose to either raise or reduce the compensation or salary for the office of an elected tax collector, such action shall be by ordinance or resolution, finally passed or adopted prior to the fifteenth day of February of the year of the municipal election."

2013 is a municipal election year. The Tax Collector rate had to be set by February 15th, 2013. Due to the cancellation of the February 4th meeting for lack of a quorum, the Board of Supervisors, through a poll

of the individual supervisors conducted by the Township Manager via telephone on February 6, 2013, voted to adopt resolution 2013-04. The Board needs to ratify that vote in open session.

By the 2009 Resolution, the Board set the rate of compensation for collection of real property and per capita tax by the Tax Collector at 2.5%. The 2009 Resolution does not specifically mention a fire tax. The Resolution Notice retains the same compensation rate, but now specifically states that the compensation rate is applied to collected and remitted fire taxes.

Supervisor Perkins motioned to ratify the individual polled vote completed by Manager Portillo on February 6, 2013 to adopt Resolution 2013-04, changing the compensation of the office of the elected tax collector. Chairman Wrightstone seconded the motion and it passed unanimously.

5. **Ratification of CD investment.**

Authorization to invest an 18-month Certificate of Deposit that matured February 12, 2013 following the recommendation of Treasurer Gembusia was granted to the Township Manager by the Board of Supervisors through a poll of the individual supervisors conducted by the Township Manager via telephone on February 6, 2013. Treasurer Gembusia explained that the CD matured at \$131,422.02, which was then placed in a 20-month CD with Orrstown Bank at an APY of 0.65%. The initial investment was made on August 12, 2011 for an 18-month CD in the amount of \$129,365.60 at a 1.05% APY. The CD earned a total of \$2,056.42 during the 18-month investment period. The Board needs to ratify this authorization in open session.

Supervisor Perkins motioned to ratify the authorization of the investment of \$131,422.02 in a 20-month CD with Orrstown Bank at an APY of 0.65%, which was granted to the Township Manager by the Board of Supervisors through a poll of the individual supervisors conducted by the Township Manager via telephone on February 6, 2013. Chairman Wrightstone seconded the motion and it passed unanimously.

6. **Authorization to advertise draft ordinance 2013-04, amending the Sewage Facilities Management Program.**

The Dickinson Township Code, Chapter 159, Section 159-7(A), adopted under Ordinance 2002-02, specifies that a septic tank must be pumped once every three years from the date of the last pumping unless the resident can prove there is 1/3 or less of the capacity of the septic tank in sludge through the performance of a sludge test. The Ordinance calls for the cycle based on a mid-year date when the Ordinance was adopted. Resolution 2009-08, establishing a three year cycle based on a road schedule (three road groups), expired on December 31, 2011.

The Township has been updating the database system that tracks the septic pumping requirements. Staff generates reminder letters directly from the database. A letter is sent to property owners at the beginning of the calendar year in which their property is due to be pumped. Another letter will be sent to the property owner in the last quarter of the year if no pumping report has been received by that time. This process will allow a more efficient and cost effective tracking of each individual property.

Staff does not recommend reauthorization of the Resolution based on a road schedule, but rather, that the ordinance be administered based on a calendar year.

The proposed ordinance amends the current ordinance to set the pumping schedule on a calendar year cycle. For administrative purposes, this amendment to the ordinance would establish the current cycle on the most recent date of either inspection or pumping. Pumping will no longer be based on a road schedule, but a three-year cycle triggered by the date of the last pumping. The

proposed ordinance also amends the current ordinance (Section 159-5.A) to remove the requirement for a replacement site on all new lots and include language that a replacement site is required only for lots with marginal soils and other limitations that preclude effective effluent disposal (floodplain, wetlands, steep slopes, etc.). Manager Portillo requested authorization to advertise a public hearing for this amendment on a date to be set by the Board. The Board gave consensus to hold the hearing on March 18, 2013 at 6:00pm and directed the Manager to advertise the hearing as required.

7. **Acceptance of Liquid Fuels Audit for 2010-2011.**

The Township's Liquid Fuels Tax Fund audit for the years ending December 31, 2010 and December 31, 2011 was completed September of 2012. This report was submitted and approved by the Auditor General. No deficiencies were found in the Township's Liquid Fuels Tax Fund. Manager Portillo recommended that the Board accept the Liquid Fuels Tax fund Examination Report for the two years ending December 31, 2011. With no motion necessary, the Board accepted the audit and thanked Manager Portillo for her work.

8. **Adoption of Resolution 2013-05, approving the building/zoning, subdivision and land development, zoning hearing board, road occupancy and park and recreation fee schedule.**

During the 2013 budget discussions, the Board directed staff to look at the current Zoning and Building fees. After reviewing the Townships' direct and indirect costs associated with the preparation and issuance of permits, staff proposes changing the Zoning fee to a flat fee of \$50.00. Currently, depending on the size of construction, residents pay either \$35 or \$75 for a zoning permit. Building permits where the Uniform Construction Code (UCC) is involved will change from \$325 to \$150.

Staff also added inspection fees for Subdivision and Land Development to bring the fee schedule into compliance with the MPC, Article 5, Section 503 (Plan Review and Inspection Fees). When a Subdivision or Land Development plan is approved, these inspection fees will be put into the Developers' non-interest bearing escrow account and tracked to that developer. These funds will be used to cover the Engineering/Solicitor fees associated with that developer's plan, and reconciled. The goal is to offset costs; not generate funds.

Supervisor Perkins asked what mechanisms were in place in order to replenish the funds. Manager Portillo said that Treasurer Gembusia communicates with the developer regarding the balance of their escrow. When a balance needs to be replenished, she requests another deposit and reconciles the account. An account statement and balance is sent to the developer when an escrow transfer is completed.

Supervisor Perkins motioned to adopt Resolution 2013-05, approving the building/zoning, subdivision and land development, zoning hearing board, road occupancy and park and recreation fee schedule. Chairman Wrightstone seconded the motion and it passed unanimously.

9. **Authorization to participate in the CPEC fossil fuel bid (gasoline and diesel).**

Dickinson Township has been participating in the Central Pennsylvania Energy Consortium (CPEC) bulk fuels purchase program for diesel and gasoline purchase for several years. This secures a reduced rate per gallon for these fuels. The purchase period is from July 1, 2013 to June 30, 2014. Supervisor Perkins motioned to authorize participation in the bid and award process for diesel and gasoline through CPEC for the period from July 1, 2013 to June 30, 2014. The motion was seconded by Chairman Wrightstone and passed unanimously.

10. **Weight restriction study – Green Mountain Road.**

As authorized by the Board in September of 2012, the Engineer completed a weight study of Green Mountain Road. The study recommends posting Green Mountain Road at a maximum gross vehicle weight limit of 8 tons. Staff recommends acceptance of the study and approval of

the weight limitation proposed by the Engineer. Additionally, the Board will need to authorize the Township Manager to complete the road bonding process if approved.

J.R. Barrett asked if a trash hauler truck would exceed the weight limit and, if it did, they would have to secure a road bond. The Engineer said that a trash truck would exceed the weight limit and Solicitor Smith said that they would be subject to the bonding process.

Ray Highlands asked if fire trucks would be exempt from the weight restriction. Solicitor Smith said that EMS and fire vehicles are exempt from the weight restrictions. Mr. Highlands asked why the road was being studied for a weight limit. Solicitor Smith said that there is potential for the road to be impacted by tractor trailers hauling goods.

Vice Chairman Reisinger motioned to table the item until the next meeting. The motion was seconded by Chairman Wrightstone. Both the motion and second were rescinded after realizing that the report needed to be accepted, regardless of the weight limitation being adopted. Vice Chairman Reisinger then motioned to accept the Green Mountain Road weight limit study presented by C.S. Davidson. Supervisor Perkins seconded the motion and it passed unanimously. Vice Chairman Reisinger motioned to table the road bonding process until the next meeting. Supervisor Perkins seconded the motion with discussion on the item. He added that road maintenance costs are high and that it is important for the Township to protect its investment in its infrastructure. The motion to table the item passed unanimously.

11. **Bond reduction – Mountain Creek Distribution Center.**

The Township received a formal letter dated February 7, 2013 from Trammell Crow through Evans Engineering requesting a reduction of the land development bond for the Mountain Creek Distribution Center. The improvement guarantee was initially established by the Township on October 17, 2011 in the sum of \$5,493,543.55 and subsequently reduced leaving a balance of \$3,649,635.02. Based on the review by C.S. Davidson, Engineer Reichard recommended releasing \$97,442.89, leaving a balance of \$1,746,465.64. The reduction would include a release of additional financial security for storm water improvements that were not released with the original request.

Vice Chairman Reisinger motioned to release \$97,442.89 of the bond for the Mountain Creek Distribution Center, leaving a balance of \$1,746,465.64 as recommended in C.S. Davidson's letter dated February 15, 2013. Supervisor Perkins seconded the motion and it passed unanimously.

12. **Authorization to bid North Dickinson School Road tree removal.**

As discussed during the budget sessions, this year Dickinson Township starts a three to four year project to widen and repave North Dickinson School Road in its entirety. The section of road scheduled for work this year is from Pine Road to SR0174. In order to get the road ready, all trees along the Township's right-of-way have to be removed. The road crew will handle the smaller trees, but the larger ones have to be removed by a professional with the right equipment. \$15,000 has been allocated in the budget for this project.

Manager Portillo requested the Board's authorization to advertise for bids for the removal of the bigger trees. Bids would be due and opened March 18, 2013 at 3:00 pm for award at the BOS meeting that evening. Vice Chairman Reisinger motioned to authorize the Township Manager to advertise for bids for the removal of trees along North Dickinson School Road from Pine Road to SR0174. The motion was seconded by Supervisor Perkins and passed unanimously.

OLD BUSINESS

1. *DTMA Dissolve*
There was nothing new to report.
2. *Zoning/Saldo Draft Ordinances*
Manager Portillo said that there is a good possibility that Harry Roth will be able to be present at the March 13, 2013 Planning Commission meeting in order to discuss the draft ordinances.
3. *Master Stormwater Feasibility Study – Mountain View Road Drainage*
There was nothing new to report.

MANAGER’S REPORT

Manager Portillo submitted her report without any additions.

TREASURER’S REPORT

Secretary/Treasurer Gembusia submitted her report, noting that the Park and Recreation herb gardening seminar will be held at the Township building on April 6, 2013 at 2:00pm. She also added that the newsletter will be in residents’ mailboxes by March 1, 2013. Included in the newsletter are two coupons for free ice cream at the July ice cream social.

ZONING OFFICER’S REPORT

Zoning Officer Barrick had no additions to his report.

ENGINEER’S REPORT

Engineer Reichard had not additions to his report.

SOLICITOR’S REPORT

Solicitor Smith had no additions to her report, but provided an update regarding the Centax electronic and paper records.

SUPERVISORS’ REPORTS

There were no reports submitted from the supervisors.

ADJOURNMENT

Supervisor Perkins motioned to adjourn the meeting at 8:01pm. Chairman Wrightstone seconded the motion and it passed unanimously.

Respectfully submitted,



Denise Gembusia
Secretary/Treasurer

