



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

## **BOARD OF SUPERVISORS REGULAR MEETING**

### **FEBRUARY 3, 2014**

**PRESENT:** BOB WRIGHTSTONE, J.R. BARRETT - SUPERVISORS; Laura Portillo, Manager; Larry Barrick, Assistant Manager/Zoning & Codes Enforcement Officer; Denise Gembusia, Secretary/Treasurer; Susan Smith, Solicitor.

**ABSENT:** SUPERVISOR JONATHAN REISINGER

**VISITORS:** Gerald Eby, Martha Eby, Ken Giffhorn, Bob Line, Michelle Line, Paul Cunningham, Charles Courtney, Ray Jones, Ivan Bretzman, Greg Bretzman, Phil Thompson, Judy Brough, Nathan Wolf, Lloyd Hair, Bill Barker, Sharon Barker, Michael Rugh, Larry Strobel, Tony Smith.

#### **CALL TO ORDER & PLEDGE OF ALLEGIANCE**

Chairman Wrightstone called the meeting to order at 6:00 pm and those present recited the pledge of allegiance.

#### **OPENING ANNOUNCEMENTS**

An executive session was held on Monday, February 3, 2014 from 5:34pm until 5:52pm to discuss potential litigation regarding the pending zoning ordinance text and zoning map amendment ordinances for warehouse and distribution center uses.

The Park and Recreation Committee is seeking volunteers to join their Board. If you are interested, please email the Township Manager. More information is available on the township website.

The Park and Recreation Committee will hold a free skating event on February 20, 2014 from 6:30pm to 8:30pm at the Midway Skating Center.

#### **APPROVAL OF AGENDA**

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

#### **APPROVAL OF MINUTES**

- 1. January 6, 2014 BOS Organization Meeting Minutes**
- 2. January 6, 2014 BOS Meeting Minutes**

Vice Chairman Barrett motioned to approve the January 6, 2014 organization meeting minutes and the January 6, 2014 regular Board of Supervisors' meeting minutes as presented. The motion was seconded by Chairman Wrightstone and passed unanimously.

#### **CONSENT AGENDA**

Vice Chairman Barrett 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 20, 2014

3. Authorize the Cumberland County Bureau of Elections to use the township building on Tuesday, May 20, 2014 and Tuesday, November 4, 2014 with the polls to be open from 7:00am until 8:00pm.

#### **CHAIRMAN'S REPORT**

Chairman Wrightstone noted that there have been difficulties with the website and noted that staff was working with professionals to resolve the issues.

**PLAN REVIEW/CONDITIONAL USE HEARINGS** - No plans were reviewed.

#### **PUBLIC INPUT (non-agenda items)**

Paul Cunningham discussed Mr. Ahen's comments in the Sentinel regarding reopening the Goodman-Birtcher hearing. Mr. Cunningham noted that Chairman Wrightstone works for a global company specializing in warehouse departure and multimodal transport. He stated that the relationship appeared to be a conflict of interest. Mr. Cunningham questioned whether or not Chairman Wrightstone received a State Ethics opinion of such from corporate counsel. Chairman Wrightstone explained his position within the company, including his starting date of January 2012 and his move to supply chain optimization. Mr. Cunningham felt that Solicitor Smith should issue better guidance to the Board regarding text messages, emails, phone calls and the like since this issue might be cause for litigation.

#### **EMERGENCY SERVICES REPORT**

Greg Bretzman reported that there were 10 incidents in January.

#### **NEW BUSINESS**

1. *Appointment of Kathy Walton, William Rodier and Miriam Robinson as Auditors – terms ending 12/31/14.*

The three elected Auditors declined the elected office position. Three residents, Kathy Walton, William Rodier and Miriam Robinson, have expressed interest in being appointed to the now open position of Auditor. Vice Chairman Barrett motioned to appoint Kathy Walton, William Rodier and Miriam Robinson to the position of Auditors for Dickinson Township, each with a term ending 12/31/14. Chairman Wrightstone seconded the motion and it passed unanimously.

2. *Cumberland County Department of Public Safety's request to use Township's bay areas as animal shelters in case of evacuations or disasters.*

The Cumberland County Department of Public Safety submitted a request to use the bay areas in the Township building as a predetermined location for emergency animal shelters. In the event of evacuations or disasters, the Cumberland County Animal Response Team (CCART), would arrive with the equipment to operate and maintain a self-sufficient animal shelter. CCART cleans up after the temporary shelter is demobilized. The township would incur minimal costs, such as water and electric use.

Ken Giffhorn expressed concern over how the Township vehicles would be maintained if they would have to be moved from the bay area. Manager Portillo explained that the township does not employ an in-house mechanic. Unless the repair is minor, such as windshield wiper replacement, the vehicles are services through outside vendors.

Vice Chairman Barrett motioned to approve the use of the bay areas as a temporary animal shelter as per the Cumberland County Department of Public Safety's request. The motion was seconded by Chairman Wrightstone and passed unanimously.

3. *North Dickinson School Road tree removal.*

Staff had been asked to reevaluate the road reconstruction project on North Dickinson School Road in the hopes to lower the cost of the overall project. Staff reviewed hiring a land clearing company to remove approximately 75 to 100 trees located on the Lillich farm. Zoning Officer Barrick reported that two

bidders responded to the requests to remove the tree tops and stumps. Metzler Forest Products returned an email bid of \$14,300 and EB Clearing proposed a bid of \$10,500. Staff recommends awarding the bid to EB Clearing. Manager Portillo explained that the expense would be paid from the road project budget and does not include Mr. Bob Livingston's tree. Vice Chairman Barrett motioned to approve the tree removal bid for the Lillich farm to EB Clearing at a cost of \$10,500.00. The motion was seconded by Chairman Wrightstone and passed unanimously.

**4. Request to re-open Goodman-Birtcher Zoning Map amendment public hearing for Board discussion and consideration.**

Attorney Nathan Wolf submitted a request to reopen the Goodman-Birtcher map amendment public hearing on behalf of him and 9 other individuals. Mr. Wolf stated that he has two expert witnesses that would like to discuss air quality issues. He stated that Judy Brough asked to be listed as an official objector and claimed that she was never given a Gannett-Fleming report in her right-to-know request.

Manager Portillo clarified that Mrs. Brough's right-to-know request never sought the Gannett-Fleming report and that Mrs. Brough was provided the information she requested.

Both Supervisors asked if the witness' comments could be heard at the next meeting and suggested not reopening the hearing. Mr. Wolf stated that the comments offered would not be part of a formal record under oath. Chairman Wrightstone clarified that no comments were under oath, even in the hearings. The comments offered become part of the official record. Vice Chairman Barrett stated that the Board would provide the opportunity for the public to speak on the topic and welcomed the chance for more comments.

Ken Giffhorn said he supported reopening the hearing since new information was now available. He discussed the definition of conflict of interest and noted that Chairman Wrightstone's LinkedIn profile lists his proficiency in supply chain management and logistics. Mr. Giffhorn also noted that Vice Chairman Barrett's wife is an employee of the school district. He stated that a perception of a conflict of interest was never offered by the Board of Supervisors.

Lloyd Hair stated that he wasn't paid as a representative of Goodman-Birtcher, but had provided the Board with information based on 42 years of working in the trucking industry. He suggested everyone act like adults and stop saying he lied in his comments and information. Mr. Hair stated that he only represented himself as a township resident who is in favor of the trucking industry and not as anything else.

Judy Brough felt the hearing should be reopened and continued because statements were made without substantiation. Mrs. Brough read an email conversation between Supervisor Reisinger and herself. She remarked that the final decision of the Board should be substantiated and felt that the residents had the right to see the source of their decisions.

Vice Chairman Barrett offered that PM2.5 could be compromised of 10 or more chemical items; not strictly diesel emissions. He added that air quality is determined by different factors, all of which can fluctuate on any given day.

Paul Cunningham suggested having an independent study conducted on air quality. He stated that over 200 doctors have talked about the negative effects of PM2.5 and that Vice Chairman Barrett is not an expert witness.

Bill Barker supported reopening the hearing since it is a controversial issue that should be deliberated and discussed over a period of time. Mr. Barker felt that the information regarding air quality was supplied by the truckers or warehouse representatives. Mr. Barker asked the Board to consider that Route 465 is already over truck traffic capacity and the ramifications of what would happen if trucks had to take that route. Mr. Barker asked what would happen if Carlisle Borough denied the request and the developer was

forced to use Route 11. He questioned the impact these potential outcomes would have on all citizens, including those in West Pennsboro Township.

Ray Jones discussed the Comprehensive Plan which does not support a warehouse in the proposed area. He also discussed conflicts of interest. Mr. Jones stated that Chairman Wrightstone should be careful listening to Jonathan Reisinger's zoning recommendations, especially since he is not wanted in Camp Hill.

Phil Thompson endorsed Mr. Wolf's request to reopen the hearing. He also stated that Vice Chairman Barrett is not an expert witness. Mr. Thompson felt that Chairman Wrightstone is a good person at heart and stated such. He said he was surprised to hear that Vice Chairman Barrett wasn't aware of Chairman Wrightstone's employment. Mr. Thompson said that other Solicitors would have brought up the possibility of a conflict of interest.

Nathan Wolf provided a final statement to the Board. He commented that the cost to the Township does not outweigh the long-term costs to the residents.

Gerald Eby stated that he took exception to the comments about him representing the school district. Mr. Eby felt the Supervisors made a good, but difficult, choice. He stated that he didn't perceive any conflicts of interest. Mr. Eby offered that he would personally rather have a warehouse in the proposed area instead of a 24-hour convenience store or a high-volume residential development.

Vice Chairman Barrett noted that public comment at a public hearing is essentially no different than public comment at a regular meeting. He suggested having the public offer their comments at the next meeting and waiting to take action at the meeting following the final comments. This would provide the Board time to digest the comments and information provided. Chairman Wrightstone agreed and felt it was important to allow the public to present information and offer their comments.

Ken Giffhorn stated that he liked the suggested compromise and noted that their plan would also provide the Planning Commission time to offer their comments regarding the map amendment request.

Solicitor Smith felt that some comments that were offered misrepresented the legislative process. She clarified that a public hearing has no motions, testimony or cross-examinations. There is no requirement to allow more public input, though the Board may decide to do so.

Ken Giffhorn asked if the Board needed an agreement from the developer to delay the decision and Solicitor Smith replied no.

Gerald Eby asked if new information will be provided. Chairman Wrightstone said anyone will be allowed to speak, regardless of whether or not their comments are new. Vice Chairman Barrett remarked that anyone who wanted to provide information prior to the meeting was able to do so.

Ken Giffhorn felt that since the issue was a regional concern, the Board should meet with other municipalities as well.

Manager Portillo noted that the advertisement for the February 17<sup>th</sup> meeting stated that action will occur. She suggested re-advertising the meeting and Solicitor Smith confirmed the need to do so. The Board gave consensus to allow time for more public comment on the topic at the February 17<sup>th</sup> meeting, with action not to occur before the first meeting in March.

## **OLD BUSINESS**

### **1. Zoning/Saldo Draft Ordinances – task force progress.**

Both Supervisors reported that progress was being made, but more meetings were scheduled.

2. **Goodman Birtcher Application to amend Zoning Map and Zoning Ordinance.**

Chairman Wrightstone felt that the public may have a great deal of misinformation. He discussed the difference between truck terminals and warehouses and offered his reasons for considering Goodman-Birtcher's application to amend the zoning map and zoning ordinance.

Ken Giffhorn stated that there were already vacant warehouses in the township and questioned whether or not this would just create another.

Vice Chairman Barrett offered his thoughts and reasoning after stating that the Supervisors are only capable of determining what's best for Dickinson Township.

Nathan Wolf expressed concern over accessing the audio file of the meeting since the website was experiencing difficulties. Manager Portillo said she would ensure the December 16, 2013 meeting and this evenings' audio file were on the website within the week. She offered that any information not on the site could be obtained through a right-to-know request.

Larry Strobel wanted to know what benefits, including tax reductions and early retirement, would be realized as a result of approving the Goodman-Birtcher request. Chairman Wrightstone said that there would be job creations and tax revenue for the school district.

Lloyd Hair felt that it didn't matter if the warehouse was empty if the owner was still paying their taxes.

Nathan Wolf discussed the Gannett-Fleming study. He felt the comprehensive plan had no integrity if it could be changed to accommodate special zoning requests.

Chairman Wrightstone said he would attend the Carlisle Borough meeting on Thursday, February 13<sup>th</sup> at 7:00pm to see if there might be value in holding a joint session. Manager Portillo said she would contact the Carlisle Borough Manager to let him know of Chairman Wrightstone's intent.

3. **Regional Municipal Authority.**

Manager Portillo stated that the Dickinson Township Municipal Authority met approximately one week ago. Bob Reisinger was contacted regarding the Act 537 Plan and will be available to present a plan to the Board at the first meeting in March.

4. **Master Stormwater Feasibility Study – Mountain View Road Drainage.**

There was nothing new to report on this item.

**MANAGER'S REPORT**

Manager Portillo acknowledged Treasurer Gembusia for working 21 hours through the server installation. She noted that four developers had been contacted regarding the website. It will need to be stabilized and she is working on scheduling a meeting with a web developer on how to proceed.

Ken Giffhorn asked why GoDaddy wasn't responsible to fix the website. Manager Portillo explained that the Township pays GoDaddy \$20 a year to host the domain. There are no other services included in that cost. She then explained the attack on the website for clarification purposes.

**TREASURER'S REPORT**

Treasurer Gembusia had nothing to add to her report.

**ZONING OFFICER'S REPORT**

Zoning Officer Barrick had nothing to add to his report.

**ENGINEER'S REPORT**

The Engineer was not present.

**SOLICITOR'S REPORT**

Solicitor Smith had nothing to add to her report.

**SUPERVISORS' REPORTS**

No reports were submitted.

**ADJOURNMENT**

Vice Chairman Barrett motioned to adjourn the meeting at 8:07 pm. Chairman Wrightstone seconded the motion and it passed unanimously.

Respectfully submitted,



Denise Gembusia  
Secretary/Treasurer

