



Dickinson Township
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**REGULAR MEETING
BOARD OF SUPERVISORS MEETING
April 1, 2013**

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

VISITORS: David Liberator, Dan Wyrick, Judy Brough, Ivan Bretzman, Greg Bretzman, Phil Thompson, Paul Cunningham, J.R. Barrett, John Perkey, Ellen Coyler, Ron Bixler.

CALL TO ORDER & PLEDGE OF ALLEGIANCE

Vice Chairman Reisinger called the meeting to order at 6:00 pm and the pledge of allegiance was recited.

OPENING ANNOUNCEMENTS

The Township will be holding a free herb gardening seminar at the municipal building on April 6, 2013 from 2:00pm until 4:00pm. Pre-registration is not required, but a small gift will be provided to those who pre-register.

The Dickinson Township spring yard sale will be held at Stuart Park on April 27, 2013 from 7:00am until noon. Vendor spots are \$5.00 and pre-registration is required.

APPROVAL OF AGENDA

Supervisor Perkins motioned to approve the agenda with the modification of moving old business before new business since it was not discussed at the last meeting. The motion died due to a lack of a second. Chairman Wrightstone motioned to approve the agenda as submitted. Vice Chairman Reisinger seconded the motion and it passed with a 2 – 1 vote. Supervisor Perkins cast the dissenting vote.

APPROVAL OF MINUTES

1. *March 18, 2013 Board of Supervisors Meeting Minutes*

Chairman Wrightstone motioned to accept the March 18, 2013 Board of Supervisors 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 item approved:

1. Pay Bills

CHAIRMAN'S REPORT

No report was submitted.

PLAN REVIEW/CONDITIONAL USE HEARINGS

No plans were reviewed.

PUBLIC INPUT (non-agenda items)

Paul Cunningham said that the Township had five Solicitors in the last ten years. He said that an ethical dilemma occurs when Solicitor Smith and Manager Portillo are named in a lawsuit and make right-to-know determinations. He asked the Board to have Solicitor Smith and Manager Portillo recuse themselves on right-to-know requests dealing with litigation in which they are named defendants. Mr. Cunningham urged the Board to have another person make those right-to-know determinations.

Phil Thompson asked for an additional three minutes to address the Board. He asked Chairman Wrightstone why he forwarded email exchanges between them to the Solicitor and why Chairman Wrightstone asked him to stay quiet about a written threat from Dan Wyrick. Mr. Thompson felt that Chairman Wrightstone should have notified him that his email was being forwarded to the Township Solicitor. He told Chairman Wrightstone that he questioned his ethics. Mr. Thompson said that he and Chairman Wrightstone had a phone conversation in which Mr. Wrightstone said he needed to find a way to stop the right-to-know requests. Mr. Thompson said that Manager Portillo was being set up to take a fall and that Chairman Wrightstone might be invited into the lawsuit. He asked Solicitor Smith if it would be illegal for a Supervisor to remove township documents without anyone's knowledge and keep them at home. He then asked if it would be illegal for an employee to access a computer that did not belong to him or her, download confidential emails dealing with personnel issues and pass those emails on to others outside the Township.

John Perkey suggested improving the audio for those who have a hard time hearing. He wanted the Board to provide personal listening headsets. Mr. Perkey asked the board to remove any weight restriction on Green Mountain Road.

Dan Wyrick said he was fascinated by comments made by others and that Mr. Thompson's comments were asinine. He then discussed draft ordinance 2013-04 and septic report requirements. He suggested changing the language to require the hauler to produce the report while requiring the property owner to provide the report.

EMERGENCY SERVICES REPORT

Greg Bretzman reviewed the March EMS report with the Board of Supervisors. There were a total of 18 calls; 3 of which were burning complaints. A new Interstate Emergency Response plan is in place and being utilized. The new Medic 53 is now in service for ALS on the south side. He also noted that he completed fire extinguisher training with the road crew and staff last week.

NEW BUSINESS

1. **Resolution 2013-07 - CCTB.**

As per Act 32 requirements, the Board of Supervisors appointed Cumberland County Tax Bureau (CCTB) as its delinquent EIT tax collector for 2011 and prior years at the September 17, 2012 regular meeting. A Board approved resolution naming County Tax Bureau as the Township's delinquent tax collector is necessary to formalize the appointment. Once approved, the resolution will be forwarded to CCTB to help them prepare for 2012 employer delinquent tax collection hearings. Supervisor Perkins motioned to approve Resolution 2013-07, naming Cumberland County Tax Bureau as Dickinson Township's delinquent EIT tax collector for 2011 and prior years. Chairman Wrightstone seconded the motion and it passed unanimously.

2. **Accept the resignation of the Planning Commission Solicitor Keith Brenneman.**

The Township received a resignation letter from Planning Commission Solicitor Keith Brenneman dated March 28, 2013. He accepted a position with Cumberland County which will require more of his time. Supervisor Perkins motioned to accept the resignation of Planning Commission Solicitor Keith Brenneman. The motion was seconded by Chairman Wrightstone and passed unanimously. The Board expressed their gratitude for Mr. Brenneman's service and asked the Manager to send a letter stating such.

3. **Board direction on filling the position of Planning Commission Solicitor.**

Solicitor Smith noted that there is no legal requirement to appoint a Planning Commission Solicitor. The Board agreed that the position should be filled anyway.

Dan Wyrick said that as a Planning Commission member, he was concerned that there would still be legal ramifications to any Planning Commission decisions and was happy to hear that the Board recognized the need to fill the position. The Board gave consensus to have the Manager put out a RFP to fill the Planning Commission Solicitor position.

4. **Selection or rejection of Terrorism insurance coverage.**

With the renewal of the liability and business insurance, the Township has the right to purchase insurance coverage for losses resulting from acts of terrorism. The cost for these policies would be \$514 per year. Previously, the Board rejected this insurance coverage and staff recommends doing the same this year in an effort to keep costs down. Vice Chairman Reisinger motioned to reject the terrorism insurance coverage offered by Erie Insurance. Supervisor Perkins seconded the motion and it passed unanimously.

5. **Orrstown Bank notice of its intent to pool the Township funds for purposes of collateralization.**

A letter was received on March 22, 2013 stating that Orrstown Bank will pool the Township's funds for the purposes of collateralization. Previous Boards have taken the position that Orrstown not pledge assets to secure the deposits on a pooled basis. Manager Portillo said that the letter was forwarded to the Board and Solicitor for review. Solicitor Smith noted that the Township would have to provide written notification to Orrstown Bank if the Board decides they should not pool funds based on Act 72 Compliance. Act 72 does not specify what must happen after receiving the written notification, however. It is unknown what the bank will do with a request not to pool funds.

J.R. Barrett asked what risk and reward can come from pooling funds. Manager Portillo explained that the proposed change has no effect on rates; only risk.

Supervisor Perkins motioned to direct Manager Portillo and Solicitor Smith to provide Orrstown Bank with written notification of their intention not to pool funds for collateralization based on Act 72. Chairman Wrightstone seconded the motion and it passed unanimously.

6. **North Dickinson School Road Project.**

Supervisor Perkins recused himself from any discussions on this item as he had done in the past. The Engineer provided a minimum work estimate which was requested at the last meeting. At approximately \$456K, Vice Chairman Reisinger didn't feel comfortable authorizing the expenditure. Manager Portillo said that the Engineer will be presenting a comprehensive road maintenance plan at the next meeting in order to give the Supervisors an overview of the road repairs. Chairman Wrightstone expressed concern that the required repairs are going to exceed the budgeted amount. He thought it might be possible to just mill and pave from Deitch Farm to Route 174.

John Perkey asked if anyone talked to Ron Wolfe. Vice Chairman Reisinger said no. Mr. Perkey said that by talking to Ron Wolfe the township could save 30% on the project.

Dan Wyrick wondered why he hadn't heard any suggestions from the Road Master. He suggested breaking the project into pieces in order to tackle it within the parameters of the budget.

Vice Chairman Reisinger motioned to table the item until the April 15, 2013 meeting. Chairman Wrightstone seconded the motion and it passed with a 2 – 0 vote (Supervisor Perkins did not vote as he had recused himself from the discussions).

OLD BUSINESS

1. **Weight restriction on Green Mountain Road.**

Solicitor Smith reviewed the options available to an over posted weight vehicle. A De minimis letter of local determination may be an option. This determination is for users who anticipate and request less than 10 loads per day, along with sporadic overall use. Additionally, a local exemption may be available to certain users. These exemptions are valid for one year. A new application and determination will need to be made annually.

John Perkey said that Ron Wolfe uses Green Mountain Road. He also commented that the railroad is putting a trailer in the area. He suggested asking the railroad if they will build the road. Mr. Perkey commented that Hempt uses the road as well. He suggested not using lawyers for communications with the railroad. Mr. Perkey said that the railroad couldn't be stopped and that they are subsidized by the Federal government.

Judy Brough asked who enforces weight limit restrictions on roads within Dickinson Township. Vice Chairman Reisinger said the State Police handle enforcement.

Dan Wyrick said that he thought the taxpayer would be responsible for the road repair if a bonding procedure was not in place. He added that there was no chance the railroad would consider communication without lawyers.

Solicitor Smith clarified that the railroad would not be affected by the weight restriction. The Board gave consensus for Solicitor Smith to draft an ordinance and provide it for review at the next meeting.

2. **DTMA Dissolve.**

Nothing new was reported.

3. **Zoning/Saldo Draft Ordinances.**

An email was received from Harry Roth stating that he thought he might be able to make the changes suggested at the joint meeting without too much effort. The Board gave consensus and directed the staff to contact Harry Roth requesting an estimate of completing the changes discussed of removing the sliding scale, forestry section and zoning map changes. Once received, the Board will review the item again.

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

Nothing new was reported.

MANAGER'S REPORT

Manager Portillo submitted her report without any additions. She noted that Dickinson Township received two awards for the humpback bridge.

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 noted that she has been monitoring the Centax records disposal matters. She also reviewed the Plaintiffs' reply to the Defendants' motion to dismiss the claims in the Breslin I litigation. Solicitor Smith

reviewed motions to dismiss Breslin II. Additionally, she noted that the Township had recently received a significant number of right-to-know requests.

SUPERVISORS' REPORTS

There were no reports submitted from the supervisors.

ADJOURNMENT

Supervisor Perkins motioned to adjourn the meeting at 7:34 pm. Chairman Wrightstone seconded the motion and it passed unanimously.

Respectfully submitted,



Denise Gembusia
Secretary/Treasurer

