



Dickinson Township
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BOARD OF SUPERVISORS MEETING April 15, 2013

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

VISITORS: Ellen Colyer, Bob Livingston, J.R. Barrett, David Liberator, Alberton Starner, Stan Erickson, Dan Wyrick, Jane Mitchell, Glenn Mitchell, Ivan Bretzman, Greg Bretzman, Jeff Gayman.

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

The Park & Recreation Committee, in conjunction with Mt. Holly Fish & Game Association, will hold a free trout derby for children 12 and under at the Mt. Holly Fish & Game pond off of Route 94 on May 11, 2013. The event will run from 7:00am until 11:00am. More information on upcoming events is available on the website.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

1. *April 1, 2013 Board of Supervisors Meeting Minutes*

Chairman Wrightstone motioned to accept the April 1, 2013 Board of Supervisors meeting minutes as presented. Vice Chairman Reisinger seconded the motion and asked if there was any public comment.

Dan Wyrick asked the Board if, by approving the minutes, they were validating Mr. Thompson's comments that Mr. Wyrick had written a threat to Chairman Wrightstone. Vice Chairman Reisinger asked if Mr. Wyrick wanted to minutes changed to say "an alleged threat". Chairman Wrightstone commented the minutes have to reflect what the commenter said regardless of the implication. He felt there was no need to change the minutes since they accurately reflected Mr. Thompson's comments. Mr. Wyrick asked the Board if they were willing to conspire with Mr. Thompson and potentially damage his reputation. With a motion and a second, the Board voted unanimously on accepting the minutes as presented.

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 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)

There was no public input.

EMERGENCY SERVICES REPORT

No report was submitted.

NEW BUSINESS

1. **HEARING - ORDINANCE 2013-04, amending the Sewage Facilities Management Program with additional changes.**

Solicitor Smith opened the properly advertised hearing of draft Ordinance 2013-04 at 6:12pm and reviewed the proposed changes to the Sewage Facilities Management Program. They are to amend Section 159-2 to add a definition for "septage pumper/hauler", to amend Section 159-5 to require replacement location for on-lot sewage system only for new lots with marginal soils, to amend Section 159-7 to provide for 3-year septic system inspection and/or pumping cycles based on the most recent pumping or inspection performed on an individual system and to amend Section 159-8 to require the owner of the septic system to provide proof of the pumping or inspection and a certification regarding prohibited substances.

Bob Livingston asked if the owner is responsible for the report to the Township and the Solicitor replied yes. He questioned who would be responsible for the \$10 administrative fee. Manager Portillo said that the resident can pay it if they bring the report to the Township, but the hauler generally pays the administrative fee. Mr. Livingston disagreed with the fee and felt it was another form of taxation.

Alberton Starner commented about the toxic substances and remarked that bleach is considered toxic. He wondered what constitutes a hazardous material. Solicitor Smith noted that the DEP website lists the toxic materials, such as paint and other solvents that should not be put into a septic system.

Dan Wyrick felt that the list of hazardous materials should be readily available and posted on the Township website. Staff was directed by the Board to provide a link to the DEP list of hazardous materials on the website. Mr. Wyrick asked how an owner would acquire or complete the septic report. There was a brief discussion over the report requirements. Solicitor Smith clarified that the report needed to be given to the Township whether by the homeowner themselves or through an agency relationship via a contracted hauler.

J.R. Barrett asked who gives the owner a copy of the report if a contracted hauler is used to pump the tank. Vice Chairman Reisinger said that the hauler is required to give the homeowner a copy of the report.

Solicitor Smith noted that the process of pumping has not changed; rather a language clarification has been added. Vice Chairman Reisinger closed the public hearing at 6:38pm.

2. **Discussion and action on change to Sewage Facilities Management Program, ORDINANCE 2013-04.**
With no public input offered, Chairman Wrightstone motioned to approve Ordinance 2013-04, amending the Dickinson Township Code Chapter 159 Sewers and Sewage Disposal. Vice Chairman Reisinger seconded the motion and it passed unanimously.

3. **Ratification of authorization to accept bridge collateralization agreement for 60 days with Orrstown Bank.**

After receiving notification from the Township to maintain its individual collateralized public funds, Orrstown Bank stated that they are not willing to secure the Township's funds with a new letter of credit. Dickinson Township is Orrstown's only municipal client not in the pooled asset arrangement and maintaining the funds individually is not a financially rational option for the bank. Because the original letter of credit expired on April 9, 2013, Orrstown proposed securing the Township's funds through governmental bonds that would maintain a daily 102% collateralization ratio as per Act 72 requirements. Orrstown proposed this instrument only as a bridge arrangement for a period of 60 days. After sixty days, the Board will need to make a choice to move its public funds out of Orrstown or agree to a pooled asset arrangement.

On April 4, 2013 a poll of the individual supervisors was conducted via telephone by the Township Secretary/Treasurer in which the Board of Supervisors voted to accept the Orrstown bank bridge collateralization agreement for a period of 60 days. The Board needs to ratify the vote in an open session.

Vice Chairman Reisinger motioned to ratify the authorization to accept the bridge collateralization agreement for 60 days with Orrstown Bank. Chairman Wrightstone seconded the motion and it passed unanimously.

4. **Discussion on pooled collateralization of assets with Orrstown Bank Representative.**

Jeff Gayman, Orrstown Bank Representative discussed collateralization and reviewed Act 72 requirements with the Board. Chairman Wrightstone and Vice Chairman Reisinger commented that they were comfortable with moving toward a pooled collateralization of funds. Solicitor Smith asked if the custody account mentioned in the letter from the Federal Bank was just an old account with no assets. Mr. Gayman said that it was only a FHLB letter of credit and had no actual assets. Solicitor Smith requested a report of the collateralization of funds from the 60-day bridge agreement now in place. Mr. Gayman said he would be in touch with the Township regarding the reporting. Vice Chairman Reisinger motioned to direct the staff not to respond to the Federal Bank's letter regarding closing the FHLB custody account closure. Chairman Wrightstone seconded the motion and it passed unanimously. It was noted that the collateralization of funds will be moved to old business on the next agenda.

5. **Acceptance of WCCOG 2013 materials bids and line painting results.**

The Board was given the schedule of road material prices accepted by the WCCOG for Dickinson Township. The prices are effective May 1, 2013. Vice Chairman Reisinger motioned to accept the WCCOG bids for road materials and line painting as follows:

#1 Stone – Picked Up	Valley @ 7.50/ton
#2A Stone-Picked Up	Valley @ 4.75/ton
#3A Mod clean Picked Up	Pennsy @ 7.60/ton
#8 Washed Stone-Picked Up	Union @10.00/ton
#57 Stone-Picked Up	Pennsy @ 9.00/ton
#57 Stone - Delivered	Union @ 11.00/ton
Type 2 Anti-Skid- Picked Up	Valley @ 8.50/ton
Cold Patch-Picked Up	Valley @ 95.00/ton
9.5mm-Picked Up	Wilson Paving @56.50/ton
25mm-Picked Up	Wilson Paving @48.00/ton
Line painting- Alpha Space	Single white edge line reflective \$0.0465/l.f.
	Double yellow center line reflective \$0.09278/l.f.

Chairman Wrightstone seconded the motion and it passed unanimously.

6. **Comprehensive road maintenance study proposal.**

Engineer Reichard explained that a comprehensive road management plan would focus on preservation as the first priority instead of total reconstruction, which is the current Township policy regarding road maintenance. He recommended completing a full evaluation of the Township road system. This report would help to determine an acceptable yearly budget amount for road preservation. Using the Road Maintenance Plan as a guideline, the Township would require an annual budget of \$350,000 per year. The estimated cost of the comprehensive road management survey and plan would be \$17,000.00.

Both Supervisors agreed that a solid plan should be in place regarding road maintenance, especially since there is a fixed amount available in each year's budget.

Bob Livingston asked why the Road Master wasn't present. He recommended getting the Road Master involved in order to blend the road maintenance philosophies of the Board and staff.

Chairman Wrightstone motioned to accept C.S. Davidson's proposal of \$17,000.00 to complete a comprehensive road management plan and study. Vice Chairman Reisinger seconded the motion and it passed unanimously. Zoning Officer Barrick was asked to assist Engineer Reichard when needed.

7. **Weight restriction Green Mountain Road Draft Ordinance – set hearing date and authorization to advertise hearing.**

The Board gave consensus at the April 1, 2013 public meeting for the Solicitor to create a draft ordinance addressing Green Mountain Road Weight Restriction based on the study and recommendation from C.S. Davidson. A hearing date will need to be determined and staff will need authorization to advertise the public hearing in accordance with the requirements set forth in the Second Class Township Code, Section 1601. Vice Chairman Reisinger said he talked to Ron Wolfe regarding the weight limitations. Based on that conversation, he believed increasing the weight limit to 20 tons instead of 8 tons would help alleviate residents' concerns. The increase will still limit industrial use of the road, but allow campers, tree trimmers, school buses, garbage trucks and EMS vehicles from posting bond.

Mr. Starner asked who placed the Dickinson Township sign on Route 34. Zoning Officer Barrick explained that it was a requirement of the boundary line settlement. Mr. Starner asked what the railroad was doing along the road. Solicitor Smith explained that the railroad wants to establish a transloading station along the road, but the Township has yet to receive any details regarding their plan.

Vice Chairman Reisinger motioned to amend the draft ordinance to reflect a weight limit of 20 tons instead of 8 tons. Chairman Wrightstone seconded the motion and it passed unanimously. The Board gave consensus for the staff to advertise the hearing on the ordinance for May 20, 2013 at 6:00pm.

8. **Discussion on proposed PSATS Resolutions and Bylaw changes up for vote at State Convention.**

The Board was given a list of the proposed resolutions and bylaw changes for consideration at the 2013 PSATS Convention, which will be held on Tuesday, April 23, 2013. The voting delegate, Vice Chairman Reisinger, asked Chairman Wrightstone if he could vote as suggested by PSATS, but be allowed to use his discretion if necessary. Chairman Wrightstone agreed to the suggestion. Solicitor Smith explained that Resolution 2013-01 was due to companies using the right-to-know law to make a profit. Additionally, she noted that Resolution 2013-05 would not work properly with the provided law. The

Board gave consensus for Vice Chairman Reisinger to vote with PSATS while still being able to use his own discretion.

9. **Discussion Park & Recreation – Cumberland County Land Partnerships Grant.**

The Parks & Recreation Committee would like the Board's consent to fill out the 2013 Cumberland County Land Partnerships Grant application. Possible uses of monies from this grant are development of a Park Master Plan, continued development of park facilities and/or land acquisition. The committee would like to apply for any or all of these options. The grant is funded from the Act 13 Marcellus Shale Legacy Fund and requires a 50/50 match. Total grants are awarded for up to \$100,000.00 Applications will be accepted through May 17, 2013, with awards being announced in the summer of 2013. Jane Mitchell, Park & Recreation Chair, proposed the idea of purchasing the land at the old South Dickinson Elementary School, which is now vacant land with no building. A discussion over possible grant applications ensued. The Board liked the idea of applying for trail and tree development along Lindenwood Park. However, the Board gave Mrs. Mitchell consensus to see if the school district is still interested in selling the property.

Mr. Starner remarked that times are tough and the Township already has parks. He asked the board to stop spending money. Vice Chairman Reisinger explained that the Park & Recreation funds did not come from tax payers and that the money has to be spent within a certain time limit or it has to be returned to the developer if requested. Mr. Starner asked that the money be spent for Stuart Park instead of Lindenwood.

J.R. Barrett asked if the Park and Recreation money would have to be spent on what the grant specifies and was told yes. He questioned what would happen if the grant were to be filled out for land acquisition and the land sells prior to receiving the grant. Vice Chairman Reisinger told Mr. Barrett that the grant will be filled out for trail and tree development at Lindenwood, so the issue is moot.

Bob Livingston asked if the Board considered putting in a bathroom at Stuart Park. Vice Chairman Reisinger said that the item had not been discussed for this grant application.

Chairman Wrightstone motioned to proceed with the Cumberland County Land Partnerships Grant, not to exceed \$15,000 from the Park and Recreation Fund, for the development of a trail and/or more trees at Lindenwood Park. Vice Chairman Reisinger seconded the motion and it passed unanimously.

OLD BUSINESS

1. **North Dickinson Road project**

Engineer Reichard noted that North Dickinson Road would be included in his comprehensive road plan which should take about one to two months to complete. He recommended not moving forward with any work on the road until the completion of the report.

Bob Livingston asked what the Board planned on doing with the trees already cut down and the stumps along the roadway. Vice Chairman Reisinger said the trees could be used as firewood, but was unsure of what to do with the stumps. Zoning Officer Barrick suggested having the Road Crew level the stumps to the ground. He said that the Township does not have access to a stump grinder at this time. Vice Chairman Reisinger motioned to remove the item from old business until the Engineer completed the comprehensive road plan. The motion died due to a lack of a second. The item will remain on the agenda as old business.

2. **DTMA Dissolve**

There was nothing new to report.

3. **Zoning/Saldo Draft Ordinances – estimate Harry Roth**

Harry Roth estimated a total cost of \$2,040.00 for revising the zoning ordinance by removing the sliding scale and forestry requirements.

Mr. Starnier commented that the Board should stop spending money and erase the whole project. Chairman Wrightstone motioned to accept Harry Roth's estimate/proposal as documented in his email from April 2, 2013. Vice Chairman Reisinger seconded the motion and it passed unanimously.

4. Master Stormwater Feasibility Study – Mountain View Road Drainage

There was nothing new to report.

5. Fire Chief/Assistant Fire Chief – worker's compensation insurance

There was nothing new to report.

MANAGER'S REPORT

Manager Portillo did not submit a report.

TREASURER'S REPORT

Secretary/Treasurer Gembusia noted that approximately \$218,000.00 has been deposited into the Liquid Fuels Fund from road turn back and liquid fuel tax allocations. She also noted that the Township now fully owns the John Deere mower.

Secretary/Treasurer Gembusia explained that she received a preliminary approval for the Tree Vitalize Grant. The approval is condition upon sending two more people to the tree tender training. Zoning Officer Barrick and a road crew member will attend the training in Chambersburg on May 31, 2013. Additionally, there were minor math errors on the projected budget. After correcting the mathematical errors, the Township cash funds required increased from \$1,136.00 to \$1,211.00. An amended authorization for the expenditure of funds will be needed in order to meet the grant requirements. Vice Chairman Reisinger motioned to amend the authorization of the Park and Recreation Tree Vitalize Grant expenditure amount from the Park and Recreation Fund to include an increase of \$75.00 as per the amended budget proposal. Chairman Wrightstone seconded the motion and it passed unanimously.

ZONING OFFICER'S REPORT

Zoning Officer Barrick issued a violation letter to Graver's Garage for failure to comply with the conditions of approval for their variance that was awarded in December of 2012. If they do not comply by April 18, 2013, he will issue a cease and desist order.

ENGINEER'S REPORT

Engineer Reichard had nothing to add to his report.

SOLICITOR'S REPORT

Solicitor Smith reviewed recent action regarding the Breslin litigation.

SUPERVISORS' REPORTS

There were no reports submitted from the supervisors.

ADJOURNMENT

Chairman Wrightstone motioned to adjourn the meeting at 8:26pm. Vice Chairman Reisinger seconded the motion and it passed unanimously.

Respectfully submitted,



Denise Gembusia
Secretary/Treasurer

