



Dickinson Township  
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[www.dickinsontownship.org](http://www.dickinsontownship.org)

## BOARD OF SUPERVISORS REGULAR MEETING APRIL 20, 2015

**PRESENT:** J.R. BARRETT, BOB WRIGHTSTONE, JONATHAN REISIGNER (*late 7:10pm*) - SUPERVISORS; Susan Smith, Solicitor; Jason Reichard, Engineer; Larry Barrick, Assistant Manager/Zoning & Codes Enforcement Officer; Laura Portillo, Manager; Rick Barrick, Road Master; Denise Gembusia, Secretary/Treasurer.

**VISITORS:** Lloyd Hair, Amy Myers, Ellen Colyer, Charles Barry, Bob Reisinger, Bob Line, Michelle Line, Jane Mitchell, Gary Frederick, Ron Lucas, Brian Evans, Hubert Gilroy, Ivan Bretzman.

### CALL TO ORDER & PLEDGE OF ALLEGIANCE

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

**OPENING ANNOUNCEMENTS** - More information is available on the township website.

The Parks and Recreation Committee is seeking volunteers to join their Board. If you are interested, please email the Township Manager.

The Parks and Recreation Committee and the Mt. Holly Fish & Game Association will hold their annual children's fishing derby at the Mt. Holly Fish & Game pond on Saturday, May 9, 2015 from 7:00am until noon.

### APPROVAL OF AGENDA

Since Supervisor Reisinger would be late, Chairman Wrightstone motioned to approve the agenda, moving new business items 2 and 3 to the end of new business. Vice Chairman Barrett seconded the motion and it passed 2 – 0 in favor.

### APPROVAL OF MINUTES

#### 1. April 6, 2015 Board of Supervisors Regular Meeting Minutes

Vice Chairman Barrett motioned to approve the April 6, 2015 Board of Supervisors regular meeting minutes as presented. The motion was seconded by Chairman Wrightstone and passed 2 – 0 in favor.

### CONSENT AGENDA

Vice Chairman Barrett motioned to approve the consent agenda as submitted. Chairman Wrightstone seconded the motion and it passed, 2 – 0, with the following item approved:

1. Pay Bills

**CHAIRMAN'S REPORT** - None

**PUBLIC HEARINGS** - None

**PLAN REVIEW/CONDITIONAL USE HEARINGS** - None

### PUBLIC INPUT

Charles Barry shared pictures of a water-run off issue he was having at his property on Beverly Court. He commented that he provided Zoning Officer Barrick with a CD video of the water run-off. Zoning Officer

Barrick stated that he was aware of the situation and wanted to discuss it with the Engineer before taking any action or making any recommendations.

**EMERGENCY SERVICES REPORT**

Ivan Bretzman was not present when the item was being discussed. Amy Myers, Union Fire Company Representative had no report for the Board.

**NEW BUSINESS**

**1. Scheduling of hearing for proposed Ordinance 2015-XX, vacating Lebo Lane, Locust Lane, and East Yellow Breeches Road from cul-de-sac to Yellow Breeches Creek.**

At the April 6, 2015 Board of Supervisors’ meeting, the Township Manager was directed to begin the process of vacating Lebo Lane, Locust Lane, and East Yellow Breeches Road from the cul-de-sac to the Yellow Breeches Creek. A proposed ordinance was given to the Board to review and to refer to at a public hearing. The notice of the hearing must be published one time, no earlier than 60 days prior to the hearing and no later than 7 days prior to the hearing. The Board’s intent to enact the ordinance can be published at the same time as the hearing notice.

On April 7, 2015, staff sent a letter to the adjacent owners notifying them of the Board’s consideration of abandoning the roads of the proposed ordinance. Staff will send a second letter 10 days prior to the date of the hearing that will be set by the Board. Staff recommended holding the hearing on May 18, 2015 at the Board of Supervisors meeting.

Lloyd Hair stated that he would prefer that Locust Lane remain a Township road. He questioned how vacating the road would impact possible future development on his L-shaped property if he decided to build another home. This prompted a lengthy discussion on right-of-way access, road frontage requirements, and road standards. Ultimately, it was determined that Mr. Hair could still have access through a private right-of-way.

Hubert Gilroy, Attorney for the Levine’s, stated that he sent a letter to the township regarding this item, but he and his clients do not have any comments.

Vice Chairman Barrett **motioned** to advertise and hold a public hearing for a proposed ordinance to vacate Lebo Lane, Locust Lane and East Yellow Breeches Road from the cul-de-sac to the Yellow Breeches Creek on May 18, 2015 at the Board of Supervisors’ meeting. The motion was seconded by Chairman Wrightstone and passed 2 -0.

**4. Acceptance of Western Cumberland Council of Governments (WCCOG) 2015 materials bids and line painting results.**

The Road Materials Bids requested through the WCCOG for Dickinson Township would be effective from May 1, 2015 through April 30, 2016. Based upon the bid results received from WCCOG for road materials, and the location of the plant where the material would have to be picked up, staff recommends acceptance of the following:

AASHTO #1 Stone - Picked up	Pensy @ 9.10/ton
#2A Stone- Picked up	Pensy @ 6.00/ton
#2A Stone- Delivered	Pensy @ 10.70/ton
AASHTO #10 Stone- Picked up	Pensy @ 8.55/ton
R-4 Stone- Delivered	Union @ 14.70/ton
R-4 Stone- Picked up	Pensy @ 11.50/ton
R-5 Stone- Delivered	Union @ 19.70/ton
R-5 Stone- Picked up	Pensy @ 13.85/ton
Type AS3 Anti-Skid- Picked up	Pensy @ 9.10/ton
Cold Patch- Picked up	Pensy @ 103.50/ton
9.5mm- Picked up	Wilson Paving @ 59.70/ton

The line painting bids are as follows:

Alpha Space:

Single white edge line reflective	\$0.0475/l.f.
Double yellow center line reflective	\$0.095/l.f.

DeAngelo Brothers:

Single white edge line reflective	\$0.05/l.f.
Double yellow center line reflective	\$0.099/l.f.

D.E. Gemmill, Inc:

Single white edge line reflective	\$0.054/l.f.
Double yellow center line reflective	\$0.106/l.f.

Midatlantic Marking:

Single white edge line reflective	\$0.057/l.f.
Double yellow center line reflective	\$0.1100/l.f.

Staff recommends acceptance of Alpha Space bid for the line painting.

Chairman Wrightstone **motioned** to accept the road materials and line painting bids received through the WCCOG in accordance with staff recommendations, effective May 1, 2015 through April 30, 2016. The motion was seconded by Vice Chairman Barrett and passed 2 - 0.

5. **Resolution 2015-05, confirming support for the issuance of a special occasion permit from the Liquor Control Board to Jump Street held at Linwood Estate.**

Solicitor Smith explained that Dickinson Township has been established as a dry municipality. However, Jump Street applied for a Special Occasion Permit from the Pennsylvania Liquor Control Board (LCB). Since Dickinson is a dry municipality, the LCB requires a resolution from the Board of Supervisors confirming the Board's support for the issuance of the permit.

The proposed resolution has three conditions. First, Jump Street will conduct the event in accordance with the Liquor Code and promulgated regulations and the special occasion permit issued by the Pennsylvania Liquor Control Board. Second, Jump Street and Myers & Myers Properties, LLC will conduct the event in full compliance with the Township Zoning Ordinance and the Zoning Hearing Board Decision dated July 23, 2013. Lastly, that Jump Street and Myers & Myers Properties, LLC will conduct the event in full compliance with the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 et al; the regulations of the Pennsylvania Department of Environmental Protection, Pa. Code, Title 25, Chapter 73 and 73; and Chapter 159 Sewers and Sewage Disposal of the Code of the Township of Dickinson; and Linwood Estate Sewage Treatment Agreement dated October 7, 2013.

Chairman Wrightstone **motioned** to approve Resolution # 2015-05, confirming support for the issuance of a special occasion permit from the Liquor Control Board to Jump Street for an event to be conducted on May 2, 2015 at 93 Encks Mill Road. The motion was seconded by Vice Chairman Barrett and passed with a 2 – 0 vote.

6. **Ratification of vote – Change order for an upgraded hydraulic system for the new Ram 5500 1-ton truck.**

A poll of the individual Supervisors was conducted via telephone by the Township Assistant Manager in which the Board of Supervisors voted on the approval of the change order to upgrade the hydraulic system for the new Ram 5500 1-ton truck with no price change. The majority of the Board voted to approve the change order. However, the Board needs to ratify the vote in an open session.

Supervisor Reisinger **motioned** to ratify the vote for the change order for an upgraded hydraulic system for the new Ram 5500 1-ton truck. The motion was seconded by Vice Chairman Barrett and passed with a 2 – 0 vote.

7. **Betty Staub resignation from Parks and Recreation Board.**

The Township received an email from Ms. Betty Staub indicating her resignation from the Parks & Recreation Board as of April 13, 2015. The vacancy created by her resignation will be advertised in the newsletter, meeting agendas and website. The Board **accepted** Ms. Staub's resignation and asked the Manager to follow-up with a thank you letter.

8. **Park and Recreation Board reduction of members – discussion and direction.**

By ordinance, the Parks and Recreation Board should have 9 members with 5 present to make a quorum. With the latest resignation, the Parks and Recreation Board no longer has a quorum. No action can be taken with fewer than 5 sitting members. Staff recommended the Board consider adopting an ordinance reducing the membership from 9 to 7 members.

Jane Mitchell, Parks and Recreation Chairwoman, suggested that the Board consider an ordinance with 5 members since it is difficult to recruit volunteers. The Board agreed with Mrs. Mitchell. Solicitor Smith suggested setting the public hearing on an ordinance to reduce the number of Parks and Recreation members from 9 to 5 on the same night as the May 18, 2015 Board of Supervisors meeting.

The Board gave **consensus** to advertise and hold a hearing on an ordinance reducing the number of Parks and Recreation members on May 18, 2015.

9. **Dickinson Township Liquid Fuels 2013 Audit Report.**

The Township's Liquid Fuels Tax Fund audit for the year ending December 31, 2013 was completed in December 2014 and the report was submitted and approved by the Auditor General. Staff proudly reported that no deficiencies were found in the Township's Liquid Fuels Tax Fund. A clean audit without any deficiencies was accomplished as a result of staff's hard work as well as appropriate management and direction by the Board of Supervisors. The Board of Supervisors accepted the Dickinson Township Liquid Fuels 2013 Audit Report.

2. **Act 537 Phase I review and authorization to advertise for 30 day public comment.**

At the October 20, 2014 meeting, the Board motioned to refer the proposed Act 537 Plan to the County and Township Planning Commissions, as well as the County Board of Health, for review and comment for a period of 60 days. However, it was discovered that the County does not have a Board of Health. Comments were received from the County and Township Planning Commissions, the Township Solicitor and staff. These comments have all been addressed. The Board will now need to advertise the proposed Act 537 Plan one time and allow for a 30-day public comment period. After public comments are received and addressed, the Board would, by resolution, adopt the Act 537 Plan and forward the document to DEP for approval. After DEP approval of the Phase 1, Act 537 Plan, the Township would need to prepare the Phase 2 portion of the Act 537 Plan for the remainder of the Township within three years.

Bob Reisinger explained that the municipal boundary line changes reduced the number of gallons per day (GPD), but not enough to make a significant difference in the calculation numbers.

Chairman Wrightstone noted that the municipal boundary lines are not shown correctly on the maps and asked if the document could move forward with the boundary lines as shown. Solicitor Smith said that the lines should be corrected on the document before presenting it to the public for the 30-day comment period.

Chairman Wrightstone **motioned** to move the Act 537 Plan forward to the 30-day public comment period contingent upon having the municipal boundary lines corrected on the maps. The motion was seconded by Supervisor Reisinger and passed 2 – 0.

Chairman Wrightstone **motioned** to move New Business # 3 on the agenda to after Old Business. Vice Chairman Barrett seconded the motion and it passed 2 – 0.

## **OLD BUSINESS**

### **1. Zoning/Saldo Draft Ordinances.**

Chairman Wrightstone explained that the zoning task force groups have completed their review of the proposed draft zoning ordinance. The Board will begin their discussions on each article and will post online mark-up edits. At this time, written public comments are welcomed and should be sent to the Township Manager. Chairman Wrightstone reminded everyone that a public hearing will still need to be held based on the edited documents that the Board has discussed. Below are the notes from the Board's deliberations. An edited version of their changes may be viewed at: [www.dickinsontownship.org](http://www.dickinsontownship.org)

- Section 403.F. The Board wanted to increase the requirement from 300 feet to 1,000 feet. Solicitor Smith stated that Federal regulations apply and suggested the Board review those before making a change.
- Section 404 The Board was not sure if the entire Section matched the Solar and Wind Ordinances currently in place.
- Section 404.C.1. Strike items (1) and (2).
- Section 408.B. Delete
- Section 412.B. Delete
- Section 419.B. Delete
- Section 419.C.1. Delete
- Section 419.D.1. Delete
- Section 422.B. Delete
- Section 422.H. Delete

The Board noted that Article 4, Sections 423 to 490, would be discussed at the next meeting.

### **2. Regional Municipal Authority.**

There was nothing new to report on the item.

### **3. Master Stormwater Feasibility Study – Mountain View Road Drainage.**

There was nothing new to report on the item.

## **NEW BUSINESS**

### **3. Trade Center 44 Alexander Spring Road improvement plan – discussion and direction.**

Engineer Brian Evans and Attorney Ron Lucas briefed the Board on the road improvement plan. The request is to narrow the section of Alexander Spring Road in the court-approved plan from the road improvement requirement of 32 feet to 24 feet. The savings generated by the narrowing of the cartway would be used to extend the limits of road reconstruction.

Engineer Evans explained that Pennsy would be the contractor making the road improvements. Overall, the net savings was calculated to be \$54,382 since 61% of the improvements would be in the Township. The expected increase in linear feet of improvement was calculated as 205 feet, according to Engineer Evans.

Township Engineer Reichard recommended full depth reconstruction of Alexander Spring Road due to its deteriorating condition. Reichard would review the above numbers.

Supervisor Reisinger asked if Dickinson Township would be released from the maintenance of Dennison Circle. Engineer Evans replied that the ownership would remain with the Township, but the maintenance would be Carlisle Trade Center 44's responsibility, if a width reduction for the road were approved.

Solicitor Smith requested a short executive session regarding the court approved plan and litigation. The Board went into executive session at 7:57pm and returned at 8:05pm.

Attorney Lucas offered to help with public sewer if Dickinson Township were able to get South Middleton Township to agree to the use of a grinder pump. Gary Frederick stated that Hillwood would be able to support Dickinson Township with costs, design and installation of a gravity sewer along Alexander Spring Road should an agreement be reached with South Middleton Township on the alternative proposed interior lateral. There was a discussion on holding a joint meeting with South Middleton Township Supervisors to try and resolve the sewer improvement issues amicably.

To clarify, Gary Frederick rehashed the three separate issues that needed to be resolved. They are as follows:

1. Reduction of the width of Alexander Spring Road in the court-approved plan from the road improvement requirement of 32 feet to 24 feet.
2. Reduction of the width of Dennison Circle in the court-approved plan from 30 feet to 26 feet, with the assurance that Hillwood would release the township from the road maintenance agreement dated November 17, 2008.
3. Resolution of the grinder pump verses the forced main with the understanding that Hillwood provide financial support for the costs, design and installation of public sewer along Alexander Spring Road.

Solicitor Smith asked if the cemetery agreement with the Line family was addressed. Bob Line stated that his attorney needed to review it and provide comments, but the two parties were working together.

#### **MANAGER'S REPORT**

Manager Portillo submitted her report without any additions.

#### **TREASURER'S REPORT**

Treasurer Gembusia noted that the Statements of Financial Interest are due by May 1, 2015.

#### **ZONING OFFICER'S REPORT**

The Zoning Officer submitted his report without any additions.

#### **ROADMASTER'S REPORT**

The Road Master's report was submitted without any additions.

#### **ENGINEER'S REPORT**

The Engineer noted that the street bids for the summer road projects should be received by May.

#### **SOLICITOR'S REPORT**

Solicitor Smith submitted her report noting that changes in the right-to-know law are fluid. She commented on movements in church zoning and commercial signage.

#### **SUPERVISORS' REPORTS**

Vice Chairman Barrett thanked Treasurer Gembusia for her work on editing the draft zoning ordinance articles.

#### **ADJOURNMENT**

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

Respectfully submitted,



Denise Gembusia  
Secretary/Treasurer

