



Dickinson Township
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BOARD OF SUPERVISORS REGULAR MEETING June 17, 2013

PRESENT: BOB WRIGHTSTONE, JONATHAN REISINGER, J.R. BARRETT - 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, David Liberator, Judith Brough, Ronald Bixler, Karen Meals, Bill Rodier, Greg Bretzman, Ivan Bretzman, Dan Wyrick, Delvin Zullinger, Charles Courtney, Ray Highlands, Troy Briggs, Ron Secary, Doug Sheaffer.

CALL TO ORDER & PLEDGE OF ALLEGIANCE

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

OPENING ANNOUNCEMENTS

An executive session was held on June 3, 2013 from 7:40pm to 8:43pm to discuss the Breslin I, Breslin II and Breslin RTK litigations.

The Board of Supervisors is seeking volunteer residents to become part of a task force to review and comment on the proposed Zoning Ordinance.

Park & Recreation is seeking volunteers to help plant 50 trees in Lindenwood Park on Saturday, September 28th, weather permitting. Please email the Township Treasurer at treasurer@dickinsontownship.org, if interested.

Park & Recreation is also seeking volunteers to join their Board. If interested, please email the Township Manager at manager@dickinsontownship.org. More information on these items is available on the Township website at www.dickinsontownship.org.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

1. *June 3, 2013 Board of Supervisors Meeting Minutes*

Supervisor Barrett motioned to accept the June 3, 2013 Board of Supervisors regular meeting minutes as submitted. Chairman Wrightstone seconded the motion. The motion passed 2 – 0 with Vice Chairman Reisinger abstaining.

CONSENT AGENDA

Vice Chairman Reisinger motioned to approve the consent agenda as submitted. Supervisor Barrett seconded the motion and it passed unanimously with the following item approved:

1. Pay Bills

CHAIRMAN'S REPORT

Chairman Wrightstone clarified that public comment is a time for residents to say anything they wish. The public is entitled this through their 1st Amendment Right. Chairman Wrightstone offered that he wished to exercise those same rights and clarify information that was said during public comment. He said that he was accused of extortion and receiving a threatening letter, which was not true.

PLAN REVIEW/CONDITIONAL USE HEARINGS

1. Minor Final Subdivision Plan for Victor and David Barrick

Zoning Officer Barrick explained that the subdivision is for one 2.2 acre lot from 55 acres across from Montsera Road. The Planning Commission recommended approval of the plan and recommended approval of the planning waiver and non-building declaration at the June 12, 2013 meeting. Engineer Reichard reviewed his June 10, 2013 comment letter. The only outstanding comment is for the owner's signature to be provided on the plan. Solicitor Smith asked for an additional notation on the reference to the subdivided lots at the top and the bottom of the plan. After the language, "...last deed of record", Solicitor Smith requested the addition of "last deed of record for lot #1 recorded at Deed Book 179, page 073" to both notations. Mike Wadel, plan representative, agreed to make the requested change.

With no public comment offered, Vice Chairman Reisinger motioned to approve the Minor Final Subdivision Plan for Victor and David Barrick. Supervisor Barrett seconded the motion and it passed unanimously.

2. Planning waiver and non-building declaration for Victor and David Barrick

Zoning Officer Barrick explained that the waiver is for a subdivision in which no construction will take place. This was reviewed and approved by the Township Sewage Enforcement Officer. With no public comment offered, Supervisor Barrett motioned to approve the planning waiver and non-building declaration for Victor and David Barrick. The motion was seconded by Vice Chairman Reisinger and passed unanimously.

3. Nadar Alajlouni Final Reverse Subdivision Plan

Zoning Officer Barrick explained the plan, which is a final reverse subdivision at 200 Pine Grove Road for four campers on residential lot #3. The Planning Commission recommended approval at the June 12th meeting. Engineer Reichard reviewed his June 10th comment letter and noted that all comments were properly addressed. Since several structures were identified as non-conforming, a note referencing Article 5 of the Zoning Ordinance will need to be added to the plan as a condition of approval.

With no public input offered, Vice Chairman Reisinger motioned to approve the Nadar Alahlouni Final Reverse Subdivision plan with the conditions outlined by the Engineer regarding the setbacks and note. Supervisor Barrett seconded the motion. Zoning Officer Barrick noted that the Planning Commission recommended a deed consolidation upon completion of the plan. Vice Chairman Reisinger rescinded his original motion.

Vice Chairman Reisinger motioned to approve the Nadar Alahlouni Final Reverse Subdivision plan with the conditions outlined by the Engineer regarding the setbacks and note as well as receiving a deed consolidation prior to recording. Chairman Wrightstone seconded the motion and it passed unanimously.

PUBLIC INPUT (non-agenda items)

Charles Courtney from McNees, Wallace & Nurick introduced himself, Ron Secary from Snyder, Secary & Associates, and Troy Briggs from Goodman Birtcher. Mr. Courtney explained that they were there to discuss the possibility of a logistics center at Allen Road and exit 44 off of Interstate 81 and to introduce themselves to the community and Board. The potential project involves two separate properties on 175 acres within four municipal boundaries; Dickinson Township, South Middleton Township, West Penn Township and Carlisle Borough. Mr. Courtney then reviewed the potential project for the Board. Sewer service to the property will be provided by Carlisle Borough. Chairman Wrightstone thanked the men for coming in and for their openness and honesty.

There was no other public input offered.

EMERGENCY SERVICES REPORT

Ray Highlands said that the FEMA flood maps were just released. He will review them and report back to the Board.

Greg Bretzman reviewed the May report and noted that the box alarm assignment updates were completed. The County will be updating and initiating the new system shortly.

NEW BUSINESS

1. Tax Collector Resolution 2013-09.

Carolyn McQuillen, the Dickinson Township Tax Collector, submitted a request for an increase in charges for copies of a tax bill, certification of a tax payment, and a returned check fee the Township authorized by Resolutions 96-13, 03-06 and 03-08. Draft resolution 2013-09 expresses the Board's support for the reasonableness of the proposed charges as reimbursement expenses of the Tax Collector in providing copies and certificates and handling bad checks as follows:

Certification of tax payment	\$10.00 per certification
Returned check charge	\$20.00 per check.

Supervisor Barrett motioned to approved Resolution 2013-09, supporting the Tax Collector charges. The motion was seconded by Vice Chairman Reisinger and passed unanimously.

2. Appointment of Planning Commission Solicitor.

The Township received eight responses to the Planning Commission Solicitor RFQ from the following individuals:

- Attorney Matthew Battersby from Fairfield, Adams County
- Attorney Bruce Warshawsky with Cunningham & Chernicoff, P.C.
- Attorney Charles Beckley, II with Beckley & Madden
- Attorney Susan J. Smith
- Attorney Stephen J. Dzurainin with Wix, Wenger & Weidner
- Attorney James Diamond with Eckert Seamans
- Attorney Guy Beneventano
- James Young with James Smith Dietterick & Connelly

The Board was provided with a spreadsheet summarizing the proposed rates and ancillary charges from each RFQ response. The previous Planning Commission Solicitor was charging \$100 per hour.

Judy Brough asked if the Planning Commission had been involved in any discussions on the topic. Chairman Wrightstone said no.

Each Supervisor explained their review process of the responses including base charges, ancillary charges, applicant experience and the possibility of not appointing a Planning Commission Solicitor. Zoning Officer Barrick and Engineer Reichard stated that the Planning Commission has operated well without a Solicitor at their last few meetings.

After further Board deliberation and discussion, Vice Chairman Reisinger motioned to appoint Susan Smith as the Planning Commission Solicitor with a rate of \$120.00 per hour plus mileage at the IRS approved rate. The motion was seconded by Supervisor Barrett who asked if staff would be able to determine if a Solicitor would be needed at the Planning Commission meeting. Manager Portillo explained that staff would only request the Planning Commission Solicitor's presence at a meeting when necessary and that Mrs. Smith's rate is less expensive than her Board of Supervisors' Solicitor rate. The motion passed unanimously.

3. **Archiving of audio recordings of meetings.**

In May of 2012, the Board of Supervisors approved the policy of audio recording the Township Planning Commission meetings and the Board of Supervisors' meetings and posting these recordings on the Township website. Currently, there are recordings from May 2012 to present day. These recordings are taking a lot of space on the website.

Staff recommends having 8 months of recordings on the website and archiving anything older than 8 months for safekeeping at the Township. All recordings would be readily available through a Right-to-Know request. Depending on the size of the audio file, they could be emailed to the requester at no cost or burned on a CD for a \$3.00 charge.

Vice Chairman Reisinger motioned to archiving any audio files older than 8 months for safekeeping at the Township. Supervisor Barrett seconded the motion and it passed unanimously.

4. **Single Trash Hauler contract renewal – discussion only.**

The current single trash hauler contract is a three year contract with two one-year options. It expires January 31, 2014 on paper but service to the residents did not commence until April 1, 2011, which would make the end of the third year contract March 31, 2014. This is a potential problem because residents who are on the trash tag system have purchased a year's worth of tags by April 1st, 2013; therefore they've prepaid for the service until March 31, 2014. The Board has several options to consider including:

- Creating an addendum to the current contract to extend by 2 months so the end date matches the last day of the quarter. Staff recommends this action to bring the contract date in conjunction with the service date.
- Extending the current contract another year.
- Rebidding the contract pursuant to the current adopted ordinance in hopes of better pricing.
- Amending the current ordinance to address some of the resident's concerns such as exemptions for temporary residential housing (cabins), hours of service (currently they are 5am to 6pm), recycling of electronics as per the new Covered Device Recycling Act and rebid the contract under the newly amended ordinance.
- Repealing the single trash hauler ordinance in its entirety and permit residents to select a trash hauler without oversight from the Township.
- Repealing the single trash hauler ordinance and adopt a new ordinance that considers multiple haulers but still require residents to have a trash hauler and other regulations found in the current ordinance.

Supervisor Barrett motioned to extend the contract with Advanced Disposal to March 31, 2014 in order to bring the contract date in conjunction with the service date. The motion was seconded by Vice Chairman Reisinger. Solicitor Smith noted that the extension of the current contract to March 31, 2014 is separate from exercising the option to extend the contract one-year. The motion passed unanimously.

Chairman Wrightstone offered that he didn't like the trash contract since there are many hidden costs with a single trash hauler. He liked the idea of the resident being able to pick their trash hauler since they can fire the hauler if they are unhappy with their level of service. Supervisor Barrett said that his rates are better with a single hauler and he enjoys having a service truck in his neighborhood only one day a week instead of everyday. Vice Chairman Reisinger said that his fees were slightly reduced when the Township adopted a single hauler. He suggested adding more common sense to the ordinance so it could

allow exemptions. Supervisor Barrett asked Solicitor Smith if the Board could choose to bid the contract and, if unhappy with the results, choose to extend the current contract with the one year option. Solicitor Smith said she would have to check if that was an option available to the Board.

Doug Sheaffer offered his experience with the trash hauler and said he was happy with his service.

Judy Brough expressed difficulty in her experiences with the current hauler including delayed service, lack of ability to contact them and trucks leaving trash on the roads. She said she would fire the current hauler if given a choice.

Manager Portillo discussed the expected timelines with the Board. A decision should be made no less than 90 days before December 31, 2013.

Vice Chairman Reisinger asked Treasurer Gembusia if she could create a survey for the website regarding trash service. Treasurer Gembusia said she would create a survey and post it on the website. The results will be presented to the Board at a future meeting. Manager Portillo added that the Township is saving a considerable amount of money by no longer hosting clean-up days.

5. *Township zoning map – discussion only.*

The rezoning of the current Township map is a legislative decision of the Board. As a matter of policy, the Board will need to make a decision on the appropriate use of land areas in the Township. If the Board decides to amend the current zoning map before any adoption of the proposed zoning ordinance, a public hearing would have to be held since a change to the current zoning map would be an amendment to the existing zoning ordinance.

Vice Chairman Reisinger summarized the issue as determining whether or not the Board wants to bring sewer into any part of the Township. Supervisor Barrett liked the idea of public sewer. He felt that offering public sewer could help expand the tax base since it would attract more buyers. Supervisor Barrett also suggested loosening lot size restrictions to help increase the EIT tax base. Vice Chairman Reisinger explained that the Board is considering making the northeast corner of the Zoning map mixed use which would accommodate the area better.

Doug Sheaffer asked what the estimated end date for the project was. Chairman Wrightstone said he was unsure since the current Board has different goals and direction than the previous Board.

The Board discussed rezoning part of the south side of the Township so it could properly accommodate commercial properties. There was a discussion on how to proceed which included the option to accept the Harry Roth proposal for the Zoning Ordinance revisions, having him change the zoning map and forwarding the project to the task force. Solicitor Smith noted that if the Board chose the option #1 offered by Harry Roth, it contemplated severing the relationship with him whereas option #2 would continue the relationship.

Chairman Wrightstone motioned to accept Harry Roth's proposal to remove the forestry and sliding scale sections from the draft zoning ordinance at a cost of \$1360 and prepare a new draft which would be in adoptable form. Supervisor Barrett seconded the motion and it passed unanimously.

The Board agreed to have the Planning Commission meeting of July 10th as a workshop for the task force. Manager Portillo said she would advertise the workshop properly.

Karen Meals asked when Harry Roth would have the document completed. Manager Portillo said that the proposal stated two days, but the Township could probably receive it within two weeks. Ms. Meals discussed her expectations if she were on the task force.

Ellen Colyer asked the Solicitor what percentage of the document had to be kept to meet the requirements of the law. Solicitor Smith said she couldn't provide an accurate answer to the question since some parts are only sentences and some parts are full paragraphs.

OLD BUSINESS

1. **Zoning/Saldo Draft Ordinances – task force progress**
Cathy Little, Judy Brough, Ken Giffhorn, Dan Wyrick, Lynn Hoover and Denny Straub have all volunteered to participate in the Zoning Ordinance task force. Vice Chairman Reisinger reminded the Board that the Act 537 plan has not been updated for well over ten years. Solicitor Smith said that the proposed update was never properly accepted and remains as unfinished business. Manager Portillo said she would make the necessary contacts and have information regarding the Act 537 plan at the next meeting.
2. **Server Upgrade**
Staff continues to compile information and will report back to the Board soon.
3. **DTMA Dissolve**
This item will not move forward until the zoning map has been finalized.
4. **Master Stormwater Feasibility Study – Mountain View Road Drainage**
There was nothing new to report on this item.

MANAGER'S REPORT

Manager Portillo's report was submitted without any additions or questions.

TREASURER'S REPORT

Treasurer Gembusia's report was submitted without any additions or questions.

ZONING OFFICER'S REPORT

Zoning Officer Barrick's report was submitted and he noted that there will be a Zoning Hearing Board meeting in July for a variance request.

ENGINEER'S REPORT

The Engineer submitted his report and a summary table of the road plan survey. Engineer Reichard asked the Board to meet with him for about two hours to review the results of the survey. Manager Portillo said she would email the Supervisors and the Engineer with proposed dates to hold such a meeting.

SOLICITOR'S REPORT

Solicitor Smith's report was submitted without any additions or questions.

SUPERVISORS' REPORTS

There were no reports submitted from the supervisors.

ADJOURNMENT

Chairman Wrightstone motioned to adjourn the meeting at 8:04pm. Supervisor Barrett seconded the motion and it passed unanimously.

Respectfully submitted,



Denise Gembusia
Secretary/Treasurer

