



Dickinson Township
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BOARD OF SUPERVISORS REGULAR MEETING June 3, 2013

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

VISITORS: A.C. Kuhn, David Liberator, Judith Brough, Ellen Colyer, Ronald Bixler, Glenn Mitchell, Jane Mitchell, Stephen Luckie, Molly Baehr, Karen Meals, Bill Rodier, Greg Bretzman, Ivan Bretzman, Dan Wyrick.

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

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 a Saturday in September. 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.

Chairman Wrightstone added that a warehouse might be erected behind Sheetz. Nothing official has been received at this time.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

1. May 20, 2013 Board of Supervisors Meeting Minutes

Ellen Colyer asked that Phil Thompson's comments at the top of page 3 be changed to reflect a date of December 2010 and not December 2000. Additionally, she requested that Mike Wadel be identified as the plan Engineer under Plan Review. Supervisor Barrett motioned to accept the May 20, 2013 Board of Supervisors regular meeting minutes with the requested changes subject to verification of the audio tape for Mr. Thompson's comments. Chairman Wrightstone seconded the motion and it passed unanimously.

2. May 22, 2013 Board of Supervisors Special Meeting Minutes

Dan Wyrick requested changing his public comment to read, "...the time when there was an attempt to have a hearing to remove him..." and to strike the words "the hearing" from the second sentence and replace them with "the discussions and topic." Chairman Wrightstone motioned to accept the May 22, 2013 Board of

Supervisors special meeting minutes with the suggested modifications pending review of the audio tape for verification. Supervisor Barrett seconded the motion and it passed unanimously.

CONSENT AGENDA

Supervisor Barrett 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 plan review or conditional use hearing was scheduled.

PUBLIC INPUT (non-agenda items)

Ellen Colyer asked for an update on the Encks Mill Road project. Manager Portillo replied that the County is still conducting engineering studies.

Dan Wyrick discussed multiple concerns with the Board including comments that Bob Livingston is in possession of stolen township documents. Mr. Thompson publically asked for an apology to Mr. Livingston for the allegations, stating that they were not true. However, Mr. Breslin claims that Mr. Livingston is willing to turn one of these documents over to the township. Mr. Wyrick asked why the plaintiffs in a lawsuit would say and pursue two different things. Mr. Wyrick asked why Mr. Thompson continues to try to know the status of a report involving the unlawful transfer of funds when District Attorney David Freed found there was no theft or misappropriation. Mr. Wyrick also discussed Mr. Thompson's threats to publish emails on a public website. Lastly, Mr. Wyrick discussed Judy Brough and the Planning Commission email correspondence which she claimed was a personal attack. He read lines from the email and asked what was threatening about it. Mr. Wyrick then pointed out that Mrs. Brough is a township official. He read from an email she sent regarding Allyn Perkins resignation and the appointment of J.R. Barrett. Mr. Wyrick stated that the email was a personal attack on Mr. Perkins by a township official and should not be tolerated. He asked for a public apology and asked that the Board take actions to remove Mrs. Brough from her official position.

Judy Brough asked what position she holds within the township and was told she is an alternate zoning hearing board member.

EMERGENCY SERVICES REPORT

Greg Bretzman reported that Citizen's signed a contract for their new engine, which has a 1,000 gallon tank. The equipment should arrive later this year.

Ray Highlands expressed concern over the hurricane season which starts soon.

NEW BUSINESS

1. **Tax Collector Resolution Request – Discussion and direction.**

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.

The Local Tax Collection Law provides for the tax collector to receive compensation set by the Board. The Board set the tax collector's compensation rate by Resolution No. 2013-04. The tax law also allows the Tax Collector to collect "actual and needful expenditures for printing, postage, books, blanks and forms." However, the tax law does not provide for the Tax Collector to charge fees for copies, certificates and returned checks. The Ethics Commission concluded that there is no statutory authority for such charges and such charges are compensation not authorized by law. Based on the Ethics Commission opinion, the Tax Collector risks an ethics violation if the collection of these charges is challenged. There

is also no enabling authority for the Township to adopt an ordinance authorizing the requested charges. Solicitor Smith explained further, stating that there is no enabling legislation other than to set the compensation rate, which does not include these charges.

Dan Wyrick advocated for Ms. McQuillen as tax collector and asked the Board for a vote of confidence by stating a policy decision to show support in her tax collection efforts.

Karen Meals asked if the tax collector is able to collect the fees and what would happen if someone wanted a copy, but Ms. McQuillen would not provide it until the fee was paid. Solicitor Smith said that scenario is what prompted the Ethics Commission opinion and that the Board has no ability to take action on the situation. Solicitor Smith added that a new resolution would rescind any old resolutions on the tax collection fees.

The Board gave consensus for Solicitor Smith to draft a new resolution with appropriate wording to reflect the Ethics Commission opinion while supporting the Tax Collector's efforts.

2. **A.C. Kuhn Letter of Credit.**

At the March 18, 2013 Board of Supervisors' meeting, staff presented the Board with Developer A.C. Kuhn's request for the release of financial security (a letter of credit) posted for the maintenance of the temporary road constructed and serving the Dennison development. The Developer's request letter and the Engineer's review and recommendation letters were provided to the Board at that time. The Board directed staff and the Solicitor to review the court-approved plan before considering the request. The financial security was posted to secure maintenance of a temporary access drive along the southern perimeter of the proposed warehouse facility. It was posted in the amount of \$38,969.00 without any reductions authorized to date.

Upon additional review by the Solicitor and staff it was determined that The Pennsylvania Municipalities Planning Code limits financial security for maintenance to a period of 18 months. The financial security was posted July 20, 2010 and has now been in place for longer than 18 months. Additionally, the temporary access drive is not a required improvement under the MPC and does not appear on the approved plan. The improvement that requires financial security is the permanent access road shown on the plan. The permanent access road, which has not been built, is the subject of a letter of commitment by the Developer to post financial security prior to construction of the permanent road in an amount that would guarantee sufficient funds for its construction. Mr. Kuhn provided a letter acknowledging his obligation to provide financial security to cover the costs of the construction of the proposed access road, Dennison Circle, which is not named on the plan. He agreed to such in advance of construction of the access road.

Chairman Wrightstone motioned to release the letter of credit posted for the maintenance of the temporary road constructed and serving the Dennison development in the amount of \$38,969.00. The motion was seconded by Supervisor Barrett and passed unanimously.

3. **Resolution 2013-08 - Revision of Agenda Order.**

At the Board of Supervisors' meeting on May 20, 2013, the weight restriction public hearing was scheduled as the first business item. Due to a presentation and a 30-minute general public comment period, the stenographer had to wait almost an hour, which incurred cost to the Township. Currently, there is no place on the agenda for public hearings. Resolution 2013-08 would add the public hearings under the Chairman's Report.

Supervisor Barrett motioned to accept Resolution 2013-08 revising the agenda order to add public hearings after the Chairman's Report. The motion was seconded by Chairman Wrightstone and passed unanimously.

4. **Appointment of Stephen Luckie to Park & Recreation Board, term ending 12/31/2018.**

Stephen Luckie was recommended for approval as a new Park & Recreation member by unanimous vote at the May 28, 2013 Park & Recreation Committee meeting. Mr. Luckie's term would expire on December 31, 2018. Supervisor Barrett motioned to appoint Stephen Luckie to the Park & Recreation Committee with a term to expire on December 31, 2018. The motion was seconded by Chairman Wrightstone and passed unanimously.

5. **Park & Recreation Request – 2nd trailered bulletin board.**

The Park and Recreation Committee is requesting a second towed bulletin board for use within Dickinson Township at a cost of \$2,405.00. This bulletin board would be utilized in the south side of the township with the current one on the north end. The current one was purchased from Keystone Signs in Mount Holly Springs. The Park & Rec committee recommends Keystone based on the company being a local business and the easy accessibility if repair was needed. The towed sign would be available for use to all township Boards and Committees for upcoming events. The purchase of this sign would have to come from general funds, which was not budgeted for 2013. Due to the possible unexpected expense of a new network server, staff recommends to postpone the purchase of this sign and present it to the Board in the 2014 budget for approval.

Bill Rodier said he received a lot of feedback from residents stating that they knew about the events because of the sign.

Dan Wyrick stated that he liked the idea, but thought it might be better if it were budgeted for in the 2014 general fund budget.

Supervisor Barrett asked if other vendors had been researched and was told that research was conducted during the first purchase.

Karen Meals asked if donations could be raised for the purchase of the sign. Solicitor Smith said that donations could be accepted. The Board gave direction to staff to conduct more research and consider the item for the 2014 budget.

6. **New network server proposal.**

The Township's outdated server has approximately 10 GB of free space left. The original plan was to add a new server expense to the 2014 budget, but the lack of free space has expedited this expense. A proposal of \$6,790.00 was received from our IT consultants for a new server, to include installation, moving data, workstation migration, testing and the creation of three email accounts for the Supervisors. This upgrade will improve drive mapping, increase storage space and update hardware which will be under warranty. Applications such as GeoPlan and Quickbooks are stored on the server which is experiencing slowed data processing times due to the demands of multiple users trying to access files simultaneously. The server upgrade will provide secure file access and storage, intelligent infrastructure design and faster application processing, which is currently a daily struggle for staff.

Karen Meals asked how much more data would be gained. The new server will increase data storage by three times the current amount.

Supervisor Barrett expressed concern over item 2A under notes, which stated that support services are not included. Manager Portillo said that the IT Company will get the server working properly without any training being required for staff. Anti-virus protection is separate.

Dan Wyrick asked if the upgrade was urgent or if it could wait until 2014.

Ray Highlands asked if the server is expandable.

Judy Brough suggested gaining even more data space because of the increase in the website and .pdf files of maps.

Supervisor Barrett pointed out that the contract assumed that the printers are not networked and that there will be more expense to network the printers.

Ray Highlands asked if the server uses blades and was told that it does not use a blade system.

Supervisor Barrett said he wanted to review the scope of services before making a decision on the purchase of a new server.

Dan Wyrick suggested working with the WCCOG for networking and capacity services.

Supervisor Barrett asked if the IT Company could provide references of other townships that they sold similar equipment. The item was tabled until questions could be clarified and research could be conducted.

OLD BUSINESS

1. Zoning/Saldo Draft Ordinances – task force progress

Manager Portillo said that Cathy Little and Judy Brough are the only people who have formally expressed interest in serving on a task force. Dan Wyrick asked if the group should consist of only non-appointed officials and was told that everyone, regardless of political position, was welcome to serve. Manager Portillo added that Ken Giffhorn had expressed interest in serving on the task force if appointed officials were allowed to do so. Dan Wyrick suggested having a Planning Commission member assigned to each of the three task forces. He stated that he would like to serve on a task force. Chairman Wrightstone said he wanted to wait for Vice Chairman Reisinger to be present before discussing the creation of the task forces.

Bill Rodier asked if the draft ordinance changes will bring the township into compliance with State requirements. Solicitor Smith said that it would.

Karen Meals asked if the people assigned to one task force could collaborate with another task force. She was told yes. She also asked if the things that could not be changed could be highlighted so the task forces didn't waste time deliberating a moot point. Solicitor Smith said that she would complete that task in a Word version of the document.

2. North Dickinson Road project

Manager Portillo asked that the item be removed from old business since it became part of the comprehensive road project. Zoning Officer Barrick noted that the road inventory was completed and the processing of the information collection has been started.

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. She noted that the Township will now receive 250 free color copies per month.

ZONING OFFICER'S REPORT

Zoning Officer Barrick's report was submitted without any additions or questions.

ENGINEER'S REPORT

Engineer Reichard was not present.

SOLICITOR'S REPORT

Solicitor Smith noted that the RTK Officer does not have to inquire former officials or employees for records. This came as a Commonwealth Court reported decision on a Breslin RTK appeal and is now controlling law throughout Pennsylvania. She also updated the Board about the Breslin II case.

SUPERVISORS' REPORTS

There were no reports submitted from the supervisors.

ADJOURNMENT

Chairman Wrightstone motioned to adjourn the meeting to an executive session to discuss Breslin I, Breslin II and the Breslin RTK Appeal at 7:37pm. Supervisor Barrett seconded the motion and it passed unanimously.

Respectfully submitted,



Denise Gembusia
Secretary/Treasurer

