



Dickinson Township  
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## BOARD OF SUPERVISORS REGULAR MEETING JUNE 15, 2015

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

**ABSENT:** **JONATHAN REISINGER**

**VISITORS:** Ellen Colyer, Judy Brough, Bob Line, Michelle Line, Troy Briggs, Phil Thompson, Jane Mitchell, Nick Mallios, Steve Lockwood, Amy Myers, Karen Masley, Greg Bretzman, Ivan Bretzman, Ron Secary, Charley Courtney, Bob Reisinger.

### 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.

A fundraiser will be held in honor of Greg Bretzman, Dickinson Township's Emergency Services Administrator, on June 27, 2015 at the Citizen's Fire Hall in Mt. Holly Springs.

An executive session was held on Monday, May 18, 2015 from 7:35pm until 8:15pm to discuss personnel.

An executive session was held on Monday, June 1, 2015 from 4:30pm until 5:46pm to discuss personnel.

An executive session was held on Monday, June 15, 2015 from 5:30pm until 5:53pm to discuss personnel, Breslin I litigation, and potential Right-To-Know law litigation.

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

### APPROVAL OF AGENDA

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

### APPROVAL OF MINUTES

#### 1. May 18, 2015 Board of Supervisors Regular Meeting Minutes

Phil Thompson stated that he found the minutes to be confusing and he wanted to raise a couple of points. Last meeting, he brought up the promotional video that Supervisor Reisinger was in for CS Davidson. Mr. Thompson asked Chairman Wrightstone if the minutes accurately reflect what he was told. Chairman Wrightstone said he planned on giving more clarification of that in his Chairman's Report. Mr. Thompson asked if there was no wrongdoing and no investigations. Chairman Wrightstone replied that Mr. Thompson was correct. He argued that two RTK requests were denied on Section 708 (investigation), but all other

requests were denied because there were no records. He was concerned that someone conspired to abuse the right-to-know law to deny him records.

Vice Chairman Barrett **motioned** to approve the May 18, 2015 Board of Supervisors regular meeting minutes as presented. The motion was seconded by Chairman Wrightstone and passed unanimously.

### **CONSENT AGENDA**

Vice Chairman Barrett **motioned** to approve the consent agenda as submitted. Chairman Wrightstone seconded the motion and it passed unanimously with the following items approved:

1. Pay Bills
2. Ratify bill payments of June 1, 2015

### **CHAIRMAN'S REPORT**

Chairman Wrightstone stated that his comments at the last meeting were not clear. There is no investigation into the video with Supervisor Reisinger and there is no information that anything was done inappropriately.

Solicitor Smith felt that Mr. Thompson's denial for the RTK response is most likely from his March 3, 2014 request. One record requested was a copy of the Dickinson Township RTK Officer's request to Supervisor Reisinger and CS Davidson to search their private computer and records. That record was denied under Section 708(B) 10.i.A and Section 17 (ii), exceptions that relate to internal pre-decisional deliberations and non-criminal investigations. The request was for search records of the RTK officer as the subject of her investigation.

**PUBLIC HEARINGS** – None

### **PLAN REVIEW/CONDITIONAL USE HEARINGS**

1. *Time extension Planning Module for Scott Eimerbrink to September 30, 2015.*
2. *Time extension Subdivision Plan for Scott Eimerbrink to September 30, 2015.*

Zoning Officer Barrick stated that Mr. Eimerbrink recently returned from Honduras and the plan should begin moving shortly. Chairman Wrightstone **motioned** to approve the time extension for the Planning Module and the Subdivision Plan for Scott Eimerbrink to September 30, 2015. The motion was seconded by Vice Chairman Barrett and passed unanimously.

3. *Goodman Birtcher preliminary subdivision and land development plan – discussion only.*

Ron Secary reviewed the plan for the Board of Supervisors, explaining that it contemplates two buildings; one just over a million square feet and one approximately 940,000 square feet. There will be a looped waterline system from two stub extensions under Allen Road. The plan also shows three stormwater retention ponds. The applicant is asking for a waiver from the Township's Stormwater Management Ordinance § 170-15.A.(1), which requires infiltration of the difference between the 2-year pre-development and post-development stormwater volume. The applicant had a geotechnical analysis completed, which recommended non-infiltration due to the karst geology and the high probability of developing sinkholes. Since the plan was originally submitted, the applicant increased the density of the landscaping and berm plantings. The Board thanked Attorney Secary and did not present any questions to him.

### **PUBLIC INPUT**

Judy Brough stated that she was aware of the Township's 10-year road maintenance plan. She suggested that the plan be reviewed and possibly altered. She asked for consideration of Torway Road (S-curve of the south side of the road) and Greenhouse Road (edges). After the last two winters, she thought the road priorities might have changed.

Nick Mallios introduced himself and stated that he, Dr. Stuart, and Bill Costopoulos want to donate a bench to Stuart Park in memory of John Cuff, Jr. Mr. Mallios explained that Mr. Cuff taught the men how to fish and described how Mr. Cuff impacted their lives. Chairman Wrightstone suggested he get in touch with Parks and Recreation Chairwoman, Jane Mitchell. Mrs. Mitchell was in the audience and offered to meet with Mr. Mallios after the meeting.

Phil Thompson stated that the Solicitor did a good job in being creative with her response. He asked what authority Ms. Portillo had to launch her own investigation, stating that she is not authorized to perform any probe. Mr. Thompson then asked both Board members when they viewed the video. He questioned why the Supervisors didn't think there might be something ethically wrong with the video. Mr. Thompson asked if Supervisor Reisinger was paid for the video. He stated that since the video was removed within hours of its presentation, it should trigger some idea of wrongdoing. **[GRANTED 3 ADDITIONAL MINUTES]** Mr. Thompson couldn't believe that there was no investigative report. He stated that what he heard at the evening's meeting did not sound credible. Chairman Wrightstone reiterated that there was nothing to investigate and that they have no information that showed any wrongdoing on Supervisor Reisinger's part.

Solicitor Smith wanted to clarify, again, that the RTK request that was denied under Section 708 of the RTK law dealt with Ms. Portillo's search for records responsive to a request.

### **EMERGENCY SERVICES REPORT**

Greg Bretzman thanked the staff, Board and residents for their concerns. There have been no updates on the status of the Biglerville ALS unit. Wellspan is still providing ALS from Bendersville's Firehouse. He noted that there is a time/distance study that might show Carlisle ALS as the first due. The report is forthcoming. Both he and Ivan Bretzman thanked Ms. Portillo and said that she will be missed.

Amy Myers from Union Fire Company offered a packet of information to the Board on the current equipment in use. Union is looking to replace Engine 241 which serves Dickinson Township. Research has gone into an engine pumper and not a ladder (or aerial) device. Union Fire Company has met with three manufacturers and received two quotes to date. A formal request for support on purchasing the truck will be included with the 2016 budget requests.

### **NEW BUSINESS**

#### **1. Appointment of Michael Masley as the Township Manager.**

Chairman Wrightstone took a moment to thank Manager Laura Portillo for her service to the Township, the residents, and staff. He and Vice Chairman Barrett stated that the township is a better place because of her dedication and hard work. Chairman Wrightstone noted that there was only a two-week training period for new Manager, Mike Masley. With 39 right-to-know requests coming into the township so far this year, the idea is to transition Manager Masley into the Right-to-Know Officer position after he gets more comfortable with the day-to-day operations of the Township.

The exiting Township Manager, Laura Portillo, conducted a poll of the individual Supervisors in which the Board voted on appointing Michael Masley as the new Dickinson Township Manager. The Board needs to ratify the vote in an open session.

Vice Chairman Barrett **motioned** to ratify the vote to appoint Michael Masley as the new Dickinson Township Manager. He added that the Board interviewed 7 people and Mr. Masley was, by far, the most prepared. Chairman Wrightstone seconded the motion and it passed unanimously.

New Dickinson Township Manager, Michael Masley, thanked the Board for their trust and confidence in his abilities. Originally from Pennsylvania, Mr. Masley worked for the Department of Defense as a Garrison Commander. Now retired, he asked to be addressed as Mr. Masley and not by his former rank. The Board thanked Mr. Masley.

#### **2. Approval of Laura Portillo consulting services (contract).**

The Board was presented with a draft contract for the consulting services of Ms. Portillo. She will serve in a consulting capacity as the former Dickinson Township Manager at a rate of \$35 per hour, only when requested by the Dickinson Township Manager, Mike Masley.

Bob Line stated that he was sure that there was a law that made it unethical to become a contractor directly after employment service. Solicitor Smith noted that the law referred to by Mr. Line covers State employees only.

Former Manager Portillo said that employees were cross-trained and that she was confident that Zoning Officer Barrick and Treasurer Gembusia would be able to answer Manager Masley's requests and questions.

Vice Chairman Barrett **motioned** to approve the consulting services contract with Laura Portillo at a rate of \$35 per hour. The motion was seconded by Chairman Wrightstone and passed unanimously.

3. **Approval of Laura Portillo part-time open records officer (contract).**

The Board was presented with a draft contract for the part-time Right-to-Know services of Ms. Portillo. She will serve as a part-time employee for a period of 90 days in order to perform Right-to-Know Officer duties at a rate of \$31.25 per hour.

Judy Brough thanked Ms. Portillo for her professional demeanor and service. She stated that Ms. Portillo was always responsive to residents' needs and wanted to add that her comments are in no way critical to Ms. Portillo. Ms. Brough offered that she was opposed to the part-time position. Most notably, because the Office of Open Records (OOR) says that the RTK Officer should be a senior level employee. A part-time employee cannot be a senior level employee. Ms. Brough offered that she contacted the OOR and spoke to an employee who stated that no other municipality has a part-time RTK Officer. After discussing the law, the employee felt that the law could be litigated about whether or not a part-time employee could be appointed as a RTK Officer. Ms. Brough thought outsourcing the position send a message that current township personnel do not have the ability to perform the job. She noted that Treasurer Gembusia just ran a campaign for County Treasurer and is currently the alternative RTK Officer. She offered that the position does not have to be appointed to the Manager. Ms. Brough stated that she received 14 emails opposing the position and two supporting it, contingent upon it being specific and for a limited time period.

Chairman Wrightstone stated that the current staff is maxed out in their job duties. He offered that, ultimately, the position will be the new Manager's responsibility. However, with only two weeks training and receiving 14 RTK requests in the last two weeks, Mr. Masley's training on the subject has been limited. This arrangement will give him the time to learn more about the process before taking on the responsibilities associated with the appointment. Vice Chairman Barrett offered that the law uses "should" and not "must". The requirement is that the Officer is familiar with the agency.

Judy Brough asked if she heard correctly that the appointment was for a period of 90 days. Ms. Portillo answered yes and added that the time includes training the new Manager on the process and procedures.

Solicitor Smith noted that the RTK law only requires an agency to appoint an officer to the position and that there is no special requirement for that mechanism.

Vice Chairman Barrett **motioned** to approve the part-time open records officer contract with Laura Portillo for a period of 90 days at a rate of \$31.25 per hour for services in connection to RTK requests. The motion was seconded by Chairman Wrightstone and passed unanimously.

4. **Septic project award Stuart Park.**

At the May 18, 2015 meeting, the Board of Supervisors directed clarification of the septic quote. Staff verified with Rosenberry's Excavating that seeding is not included in the quote nor will they seed the area for any additional cost. As a reminder, the funds for these projects will come out of the Parks and Recreation Fund and the Township SEO located a site for the septic system and issued a permit for the septic design. The four quotes that the staff secured for the May meeting remain the same.

Septic installation:

• Rosenberry's Excavating	\$14,000
• R.E. Marsh Excavating	\$14,300
• Robert S. Reed Excavating	\$16,500
• E.W. Mainhart	\$22,857

Staff recommends acceptance of the bid presented by R.E. Marsh Excavating for the septic installation in the amount of \$14,300. The additional \$300 will offset costs incurred by Dickinson Township to seed the construction location.

Vice Chairman Barrett **motioned** to accept the bid from R.E. Marsh Excavating in the amount of \$14,300.00 for the Stuart Park septic installation. The motion was seconded by Chairman Wrightstone and passed unanimously.

5. **Dermody Properties release of financial security.**

Engineer Reichard explained that the remaining balance in the financial security for the land development plan for Dermody in the amount of \$1,768.00 was being held until the iron pins and concrete markers were set. Now that the markers and pins are completed, Engineer Reichard recommended full release of the remaining \$1,768.00, leaving a \$0 balance.

Vice Chairman Barrett **motioned** to release the \$1,768.00 financial security for the Dermody land development plan, as recommended by the Township Engineer. The motion was seconded by Chairman Wrightstone and passed unanimously.

6. **Bond Reduction request #9 for Woods of Barnitz.**

The Township received a request for a ninth reduction of the public improvement financial security for the land development plan for Woods at Barnitz in the amount of \$84,267.18. The original amount of the security was \$865,697.25. Previous reductions approved by the Board in the amount of \$690,255.13 have left a security amount balance of \$175,422.12. The Township Engineer recommended a reduction of only \$52,617.25 due to the as-built plans not being completed. This would leave a remaining balance of \$122,824.88.

Vice Chairman Barrett **motioned** to approve the ninth reduction of the public improvement financial security for the land development plan for Woods at Barnitz in the amount of \$52,617.25, leaving a balance of \$122,824.88. The motion was seconded by Chairman Wrightstone and passed unanimously.

7. **Resolution adopting Act 537 Plan.**

Bob Reisinger explained that the Act 537 Plan was available on the Township's website and at the Township office for a period of 30 days to receive public comment. No public comments were received.

Chairman Wrightstone asked if anything would need to change prior to adoption given the South Middleton Township Municipal Authority did not give conveyance to the Mountain Creek warehouse. Since Dickinson Township's plan suggests not providing expansion of the facilities unless the expansion is funded by a developer or other agency, the Township does not have to change the Act 537 plan as presented.

Solicitor Smith stated that the township will need to submit the Act 537 Plan to the Department of Environmental Protection (DEP) for approval, if the resolution is passed. Following that, the Township needs to prepare the 537 plan for the rest of the Township (Phase 2) within three years. She added that, although not common, the DEP can order a municipality to serve an area if the need is there. If ordered, funding is usually through grants and help from the DEP.

Vice Chairman Barrett **motioned** to approve Resolution 2015-07, adopting the Township's Act 537 Plan. The motion was seconded by Chairman Wrightstone and passed unanimously.

**OLD BUSINESS**

1. Zoning/Saldo Draft Ordinances.  
There was nothing new to report on the item.
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.

**MANAGER’S REPORT**

No Manager’s report was submitted.

**TREASURER’S REPORT**

Treasurer Gembusia’s report was submitted without any additions.

**ZONING OFFICER’S REPORT**

The Zoning Officer submitted his report without any additions.

**ROADMASTER’S REPORT**

No report was submitted.

**ENGINEER’S REPORT**

The Engineer submitted his report noting that there will be a pre-construction meeting the following morning for the projects on Myerstown Road, Montsera Road, and East Yellow Breeches Road.

**SOLICITOR’S REPORT**

Solicitor Smith submitted her report and discussed recent changes regarding the telecommunications law.

**SUPERVISORS’ REPORTS** - No reports were submitted.

**ADJOURNMENT**

Chairman Wrightstone **motioned** to adjourn the meeting at 7:30pm. Vice Chairman Barrett seconded the motion and it passed unanimously.

Respectfully submitted,



Denise Gembusia  
Secretary/Treasurer

