



Dickinson Township
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BOARD OF SUPERVISORS REGULAR MEETING AUGUST 5, 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.

VISITORS: Chuck Stehlik, Ron Secary, Gary Whittaker, Troy Briggs, Judy Brough, David Liberator, Ronald Bixler, William Rodier, Greg Bretzman, Ivan Bretzman, Larry Swartz.

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

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.

There is currently a vacancy on the Planning Commission. Interested applicants should contact the Township Manager for more information.

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. July 15, 2013 Board of Supervisors Meeting Minutes

Supervisor Barrett motioned to approve the July 15, 2013 Board of Supervisors regular meeting minutes as submitted. Vice Chairman Reisinger seconded the motion and it passed unanimously.

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 had no report.

PLAN REVIEW/CONDITIONAL USE HEARINGS

No plans were reviewed.

PUBLIC INPUT (non-agenda items)

Gary Whittaker said that he attended the Dr. Myers Zoning Hearing Board meeting regarding the use variance on Enks Mill Road. While noting he supported the use variance, Mr. Whittaker expressed concern over the current condition of Enks Mill Road and how the use variance will further deteriorate the road conditions. Mr. Whittaker asked that the Board of Supervisors consider Enks Mill Road as a priority road in their 10-year road plan. Chairman Wrightstone suggested that Mr. Whittaker attend the budget meetings in October when the road repairs will be discussed in more detail.

EMERGENCY SERVICES REPORT

Greg Bretzman reviewed the July 2013 EMS report with the Board. There were a total of 19 calls in the month of July; 7 were medical, 4 automobile related, 6 fire alarms and 2 explosions.

NEW BUSINESS

1. Resolution 2013-09, adopting the Section 125 plan.

In 2009 the Board of Supervisors approved the Dickinson Township Section 125 Plan which allows employees to purchase dental, vision, and the employee's contribution to the group medical insurance with pre-tax dollars. The plan year is from March 1st until February 28th. The Township's plan was being administered through Pennsylvania Chamber, but earlier this year PrimeFlex took over the plan. This change in brokers created an administrative interruption on their part which caused the delay in receiving the updated plan for this year. Manager Portillo explained that the plan for this year will need to be adopted by the Board of Supervisors through Resolution 2013-09, retroactive to March 1, 2013. There is no cost to the Township associated with this plan. The employee pays 100% for the cost for the additional benefits offered.

Vice Chairman Reisinger motioned to adopt Resolution 2013-09, accepting the PrimeFlex Administrative Services Section 125 Plan, retroactive to March 1, 2013. Supervisor Barrett seconded the motion and it passed unanimously.

2. Authorization to advertise budget meeting dates.

In 2012 the Board advertised 5 budget meetings of which 3 were necessary. Manager Portillo suggested advertising 4 budget meetings for this year during the following dates:

- Tuesday, October 8, 2013
- Monday, October 14, 2013
- Wednesday, October 23, 2013
- Tuesday, October 29, 2013

If an extra meeting is needed, it can be held in conjunction with the regular Board of Supervisors' meeting on November 4th. Manager Portillo noted that the budget has to be advertised and available for public inspection for 20 days. Hopefully, budget will be advertised in early November with adoption at the December 16, 2013 Board of Supervisors' meeting. The Board gave permission for the Manager to advertise the proposed budget meeting dates with a 5:30pm start time.

3. Goodman Birtcher application to amend zoning map and zoning ordinance.

Ron Secary, Engineer from Snyder, Secary & Associates, introduced himself to the Board of Supervisors. He, along with Attorney Charles Courtney of McNees, Wallace & Nurick, applied for a Zoning Map and Zoning Ordinance Amendment on behalf of Goodman North American Partnership Holdings (Goodman Birtcher). The proposed rezoning is for approximately 86 acres from the Business-Recreation (B-R) district to the Business-Industrial (B-I) district. The proposed text amendment includes design standards applicable to distribution centers and warehouses in the draft Zoning Ordinance of Dickinson Township.

Mr. Secary reviewed the plan for the property located off Allen Road at the Exit 44 interchange of Interstate 81. He discussed the existing infrastructure and availability of utilities while noting the plan's consistency with the Township's Comprehensive Plan.

Troy Briggs, East Coast Regional Director for Goodman Bircher, reviewed the concept design of the proposed logistics center. The industrial warehouse will include 4 separate buildings, totaling approximately three million square feet. Mr. Briggs noted that Goodman Bircher was looking to attract a Fortune 500 company as their tenant. Chairman Wrightstone noted that the project is slated to be built without a tenant. Truck traffic will primarily have access via Rout 465 while Ritner Highway is the primary access for car traffic. Mr. Secary stated that planned expansion of utilities and infrastructure will be provided by a right-of-way access for any future land development.

Upon the Solicitor's review of the applicant's proposed Zoning Map and Zoning Ordinance text amendment, several issues were identified. Solicitor Smith asked Mr. Secary if the applicant would be willing to modify the text amendment application before it would be advertised and a public hearing would be held. Mr. Secary affirmed that they would be willing to provide flexibility in the text amendment.

Solicitor Smith then provided the following comments for the applicant's and Board's consideration:

- The proposed text amendment is titled "distribution center and warehouse."
 - The current Zoning Ordinance separately defines these uses. The proposed zoning ordinance collapses the two uses into a "warehousing and wholesale trade establishments" use and defines warehouse (not distribution center).
- Proposed Section E prohibits parking/loading within 50 feet of the public street right-of-way.
 - The parking/loading areas shown on the concept plan should be compliant if the access drive is ultimately intended to be a public road.
- Proposed Section H provides a 500 foot setback from the LDR and MDR-O Districts and certain listed uses.
 - This section will need to be re-written. The provision first imposes a 500 foot setback of the warehouse property from two residential zoning districts. As written, that means that one of the other zoning districts (Business Industrial, Business Recreation, Conservation or Agricultural) must surround the warehouse property to a depth of 500 feet. Solicitor Smith suggested modifying the section to consider language specifying that structures, infrastructure, roads on the warehouse property, etc. be setback 500 feet from property zoned LDR and MDR-O.
 - It should be noted if the setback also applies to the Agricultural zone and Conservation District.
 - Both the current Zoning Ordinance and the proposed Zoning Ordinance also impose such setbacks from residential uses (preexisting homes that may be within a non-residential zoning district). The proposed Section H does not provide for any additional setbacks from a residence or property occupied by a residence.
- Proposed Section Q confines parking and loading "to the subject property" and prohibits off-site parking/loading. The text should also prohibit "unloading".
- The current Zoning Ordinance provides a minimum and maximum lot area for both a warehouse and distribution center conditional uses (more than 5 acres, no greater than 25 acres). There appears to be no similar provision in the proposed text amendment.
- The proposed text amendment includes a 300 foot lot width requirement that is in the current Zoning Ordinance but not in the proposed zoning ordinance. This frontage requirement should be communicated to the task force for consideration and awareness.

- The proposed text amendment makes no mention of screening or buffers.
 - The current Zoning Ordinance contains standalone screening and buffer requirements that are applicable without need to provide the requirements by specific provision or cross reference in the proposed text amendment.
 - The current Zoning Ordinance requires a 200 foot buffer from residential uses and districts for warehouse and distribution uses. Without this provision, the fallback requirement is the standalone buffer requirement in the current Zoning Ordinance of 50 feet.
 - The current Zoning Ordinance allows stormwater, utility and access drives in the buffer, but only to the extent these features cross the buffer at right angles.
- For a warehouse use (no separate provision for distribution center use), the current Zoning Ordinance requires one parking space for every 2 employees on maximum shift and further requires that the parking area be at least 25% of the building floor area. The proposed zoning ordinance requires one space for every 1500 square feet. Since this item is not addressed, the parking requirement falls back to the current Zoning Ordinance requirements.

Mr. Secary thanked the Solicitor and the Board for their time and comments. He said that he will process the information and make some changes before presenting the plan to the Planning Commission. The Board agreed to send the application to the Planning Commission at their next regularly scheduled meeting on August 14, 2013.

4. **Draft SALDO Ordinance – discussion only.**

In the administration of the current SALDO over the years, staff has had problems with antiquated, conflicting and missing procedures, standards and requirements. This experience prompted the preparation of a new SALDO.

The draft SALDO has been ready for Board adoption since November of 2011. The SALDO was prepared by consultant Dennis Gehringer in consultation with the Township staff and Engineer, reviewed and recommended for approval by the Planning Commission, and presented at a public meeting for public comment and Board discussion. There has been broad support for adoption of the Gehringer draft SALDO. The Gehringer draft SALDO also incorporates the Construction Standards adopted by the Board in the fall of 2012.

If the Board decides to proceed with the adoption of the Gehringer draft SALDO, two revisions would be needed:

- (1) Re-insert provisions (commonly found in a SALDO) that were removed from the Gehringer draft SALDO and inserted in the Roth draft Zoning Ordinance shortly before both drafts were released for consideration at the specially scheduled public meetings. These provisions were removed from the Gehringer draft SALDO in response to Roth's argument that they related to use and would be more effectively administered through zoning. However, there is neither a legal nor technical obstacle to reinserting these standards into the Gehringer draft SALDO. Also, if the adoption of the draft Zoning Ordinance occurs after the adoption of the draft SALDO, these provisions will be missing altogether.
- (2) Revise cross references in the Gehringer draft SALDO to refer to the current Zoning Ordinance and not the Roth draft Zoning Ordinance.

In order to adopt the Gehringer draft SALDO, with the changes described above, the Board would need to schedule a public hearing. Solicitor Smith noted that Mr. Gehringer provided her with a list of areas that

will need to be reconciled before adoption. These changes will take some time to address. Additionally, the Township and County Planning Commissions will need to have 30 days prior to a public hearing to review the proposed ordinance and provide comments.

The Board discussed ECHO housing regulations and concern over consistency among the draft Zoning Ordinance and draft SALDO. It was noted that by reinserting the Environmental provisions into the SALDO, the Board would be able to waive items in the SALDO while the Zoning Hearing Board must hold variance hearings in order to waive requirements in the Zoning Ordinance. Zoning Officer Barrick noted that the Gehringer draft SALDO incorporates the construction standards previously adopted by the Board and updates the requirements for plan submittals.

The Board of Supervisors directed staff to request a price proposal from Mr. Gehringer for updating the SALDO to comply with the current Zoning Ordinance and report back to the Board at the next regularly scheduled meeting.

OLD BUSINESS

1. Single trash hauler contract renewal.

Manager Portillo provided the Board with information on neighboring municipalities' trash collection procedures and policies. Supervisor Barrett provided statistics regarding trash collection in Dickinson Township, noting that of the 1,906 total trash customers, 18% (or 345 accounts) use trash bag tag service while the remaining 82% (or 1,561 accounts) utilize the toter cart service. Manager Portillo stated that the addendum to the current single trash hauler contract was reviewed by Solicitor Smith, completed and signed on July 31, 2013. This will extend the current contract until March 31, 2014. The trash hauler was made aware of the customer service complaints and is working on resolving some of the issues. A press release regarding the customer service upgrades is available on the Dickinson Township website.

Larry Swartz said that he was happy with the trash service and felt that everyone should use the toter cart service. He stated that the bags used by those without the toter service usually end up torn which strews trash all over the area.

Gary Whittaker said that he uses the bag service since he doesn't create much trash and hauling the toter cart down his half-mile long driveway would be difficult for him.

Chairman Wrightstone motioned to exercise the option to extend the current trash hauler contract for 1-year, with an ending date of March 31, 2015. The motion was seconded by Supervisor Barrett and passed unanimously.

2. Zoning/Saldo Draft Ordinances – task force progress

Chairman Wrightstone said that his group has met twice already. They have unanimously agreed that the Agricultural zone should be allowed to have a 2nd home on the property without having to submit a subdivision plan.

Supervisor Barrett said that his group plans on holding their first meeting on August 12th. He noted that a new member, Dan Black, joined their group and requested that staff forward the draft zoning ordinance to Mr. Black.

Vice Chairman Reisinger said that his group reviewed the zoning map and has been looking into extending the Business Industrial Zone into the Business Recreation Zone currently located in the north-east portion of the Township.

3. Server Upgrade

Staff continues to compile information and plans to report back to the Board at the August 19th meeting.

4. **DTMA Dissolve**

This item will not move forward until the zoning map has been finalized and the proposed draft Zoning Ordinance is adopted.

5. **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 the Woods at Barnitz project has been started. Manager Portillo and Zoning Officer Barrick held a pre-construction meeting with the Township Engineer and Mr. Group, the developer of Woods at Barnitz.

ENGINEER'S REPORT

Engineer Reichard was not present.

SOLICITOR'S REPORT

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

SUPERVISORS' REPORTS

No reports were submitted by the Supervisors.

ADJOURNMENT

Chairman Wrightstone motioned to adjourn the meeting at 7:10pm. Supervisor Barrett seconded the motion and it passed unanimously.

Respectfully submitted,



Denise Gembusia
Secretary/Treasurer

