

Dickinson Township  
219 Mountain View Road  
Mount Holly Springs, PA 17065  
Phone: (717) 486-7424 ♦ Fax: (717) 486-8412  
[www.dickinsontownship.org](http://www.dickinsontownship.org)

## BOARD OF SUPERVISORS REGULAR MEETING January 18, 2016

**PRESENT:** J.R. BARRETT, TOM IMHOLTE, DENNIS STRAUB - SUPERVISORS; Larry Barrick, Manager/Zoning & Codes Enforcement Officer/Open Records Officer; Marge Metzger, Secretary/Treasurer; Solicitor Susan Smith; Engineer Jason Reichard.

**ABSENT:**

**VISITORS:** Judy Brough, Ellen Colyer, Phil Thompson, Paul Cunningham, Greg Bretzman, Ivan Bretzman Gerald Eby, and Mike Wadel.

**CALL TO ORDER & PLEDGE OF ALLEGIANCE**

Chairman Barrett called the meeting to order at 6:00 PM. Those present recited the Pledge of Allegiance.

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

An executive session was held on Monday, January 4, 2016 from 5:30 PM to 5:55 PM to discuss the Breslin Right-To-Know appeal litigation.

Park and Recreation will host a free Family Bowling Night on January 21, 2016 from 6-8 PM at the Midway Bowling Center on Route 34. Flyers for the event are in the Township Building.

Park and Recreation will host a free Family Skate Night on February 18, 2016 from 6:30 – 8:30 PM at the Midway Skating Rink on Route 34. Flyers for the event are in the Township Building.

**APPROVAL OF AGENDA**

Vice Chairman Imholte **motioned** to approve the agenda. Supervisor Straub seconded the motion and it passed unanimously.

**APPROVAL OF MINUTES**

1. **December 21, 2015 Board of Supervisors Regular Meeting Minutes**

Vice Chairman Imholte pointed out on page 4, under #9, the 3<sup>rd</sup> paragraph, the number "26" should be "30".

Vice Chairman Imholte **motioned** to approve the December 21, 2015 Board of Supervisors regular meeting minutes, as amended. Supervisor Straub seconded the motion and it passed unanimously.

2. **January 4, 2016 Organization Meeting Minutes**

Supervisor Straub pointed out on page 4, under #14, Planning Commission, the name Robert Line "II" should be "III".

Supervisor Straub **motioned** to approve the January 4, 2016 Organization meeting minutes, as amended. Vice Chairman Imholte seconded the motion and it passed unanimously.

3. January 4, 2016 Regular Meeting Minutes

Chairman Barrett **motioned** to approve the January 4, 2016 regular meeting minutes. Vice Chairman Imholte seconded the motion and it passed unanimously.

CONSENT AGENDA

Vice Chairman Imholte shared his thoughts on making the list of bills being paid available to the public for review. The Board discussed the matter and agreed that the list of bills will be posted on the website along with the agenda.

Supervisor Straub **motioned** to approve the consent agenda. Vice Chairman Imholte seconded the motion and it passed unanimously with the following items approved:

1. Pay Bills

CHAIRMAN'S REPORT None

PUBLIC HEARINGS None

PLAN REVIEW/CONDITIONAL USE HEARINGS

1. Victor & David Barrick Modification Request for Chapter 178-13 of the SALDO, to waive the preliminary plan requirements.

Mike Wadel explained this plan is a .23 acre lot addition to a 2 acre lot that was previously subdivided. A consolidation deed will be provided. There is no construction or earth moving involved. Vice Chairman Imholte questioned why this subdivision wasn't done all at once. Mr. Wadel explained the property is in clean and green, which allows only a 2 acre parcel subdivided per calendar year.

Supervisor Straub **motioned** to approve the Victor & David Barrick modification request for Chapter 178-13 of the SALDO to waive the preliminary plan submission. Chairman Barrett seconded the motion and it was passed unanimously.

2. Final Subdivision Plan for Victor & David Barrick (Deadline 4-12-16)

Supervisor Straub **motioned** to approve the Victor & David Barrick final subdivision plan subject to the conditions of the Dickinson Township Planning Commission dated January 13, 2016, and the staff comments dated January 14, 2016. Vice Chairman Imholte seconded the motion and it was passed unanimously.

GENERAL PUBLIC INPUT (non-agenda items)

1. Judy Brough was delighted to have new Supervisors, but some of the same old problems still exist. She is concerned about the reputation of Dickinson Township. She shared a section of the PA Sunshine Law regarding Executive Sessions (65 Pa.C.S.A. Subsection 708), and how the regulations pertain to discussions being held and then actions being taken or voted on. She was concerned the Board may be in violation of the Sunshine law. She encouraged the Board to get their policies and procedures in line.

2. Paul Cunningham has asked for the breakdown of the Solicitor's invoices for the three Breslin litigation matters, which he has been told does not exist. Mr. Cunningham raised the concern of a violation of conduct and conflict of interest with Solicitor Smith's role in multiple aspects of the township, including the Right-to-Know requests and representing the Board of Supervisors, Planning Commission and Municipal Authority. Mr. Cunningham was concerned with Jonathan Reisinger's non-involvement in township operations since August, but continued to be paid as a Supervisor.

3. Phil Thompson complimented Larry Barrick on his response to a Right-to-Know request recently, which was a welcome display of common sense. Mr. Thompson suggested the Board do away with the public comment policy. There is no reason to put a time limit on people. He suggested the Board review the DVD's from 2010 to April 2012, which indicate inconsistencies in the policy.

Chairman Barrett mentioned as a Board member, he has stuck to the time limits. He has been consistent. He appreciates Mr. Thompson's comments.

## **EMERGENCY SERVICES REPORT**

Greg Bretzman provided a fire report for 2015. There were 217 calls for the year dispatched through the 911 Center. There were more calls than that because some people call the firehouse directly for storm related issues. Vice Chairman Imholte asked for clarification on the indicated trash fires. Greg Bretzman explained it is an uncontrolled fire, such as an item burning along the road. Supervisor Straub asked about a medical assist call. Mr. Bretzman explained the fire company can be requested to assist the ambulance or medic unit, especially if the first career staffed ambulance is already out on a call and the second volunteer staffed ambulance is responding. The fire company also assists with heavy lifting and responds automatically to cardiac arrests and trauma calls.

## **NEW BUSINESS**

### **1. Resolution 2016-02 – Delegating to and authorizing Larry Barrick Jr. to execute certain routine and administrative contracts and agreements.**

Solicitor Smith explained the authority comes from the Manager's Ordinance, which provides the enabling language. The original Ordinance number must be retained throughout the Resolution. The Board discussed the determining factor of what is handled by the Manager and what is brought before the Board, whether it is a money limit or a time limit. There are no exact parameters or specific amounts other than the bidding requirements. Larry Barrick provided examples of the types of contracts he would have authority to handle, which are outlined in the Resolution, and allowances are made in the budget.

Supervisor Straub **motioned** to adopt Resolution 2016-02 as amended, which delegates to and authorizes Larry Barrick, Jr., as Manager, to execute certain routine and administrative contracts and agreements on behalf of the Township. The motion was seconded by Vice Chairman Imholte and passed unanimously.

### **2. Resolution 2016-03 – Delegating to Designating Depositories for Township Funds and authorizing signers on accounts maintained at the designated depositories.**

Supervisor Straub noted that in the second WHEREAS, the word "principle" should be "principal".

Supervisor Straub **motioned** to adopt Resolution 2016-03, which designates depositories for township funds and authorizes signers on accounts maintained at the designated depositories, as amended. The motion was seconded by Vice Chairman Imholte and passed unanimously.

### **3. Ratify Auditors meeting advertisement for January 10, 2016 at 5:00 PM**

Judy Brough questioned who the elected auditors are and Larry Barrick responded they are Beth and Ray Jones. There is not a third auditor, but two is a quorum. Solicitor Smith reviewed the process for the Supervisors, Vacancy Board, or petitioning the Court for an appointment.

Vice Chairman Imholte **motioned** to ratify the auditors meeting advertisement for January 18, 2016 at 5:00 PM. The motion was seconded by Chairman Barrett and passed unanimously.

### **4. Ratify Walsh Construction Company's Penn DOT Bridge replacement meeting at the Township building, the date will be announced once finalized. The bridge is located on Montsera Road.**

Supervisor Straub **motioned** to ratify the vote to allow the Walsh Construction Company's Penn DOT bridge replacement meeting to be held at the township building, the date to be announced once finalized. The bridge is located on Montsera Road. The motion was seconded by Chairman Barrett and passed unanimously.

### **5. Planning Commission Member – 1 term expires 12/31/17 – Candidates: Beth Kikla, Dennis Straub**

Supervisor Straub said since there are new members, and in the interest of continuity, he is willing to serve on the Planning Commission. Vice Chairman Imholte agreed to maintain Dennis Straub on the Planning Commission until he doesn't want to do both. He has the history and knows the township. It is not against the Code.

Vice Chairman Imholte **motioned** to nominate Dennis Straub to serve as a member on the Planning Commission for a term that expires on December 31, 2017. The motion was seconded by Chairman Barrett and passed by majority vote. Supervisor Straub abstained from voting.

Chairman Barrett appreciates Ms. Kikla's interest in the township and said there will be other opportunities that come up. The decision to appoint Mr. Straub is from a standpoint of continuity, which is needed in the interim.

### **OLD BUSINESS**

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

Chairman Barrett said this matter will be brought up in February.

2. **Regional Municipal Authority**

Solicitor Smith suggested taking this matter off the plate. The Supervisors directed the Manager to correspond with the Dickinson Township Municipal Authority to determine if there is any interest to move the discussions forward.

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

Larry Barrick said there was a conceptual analysis done but it came down to funding. He will provide a copy of the feasibility study to the Supervisors so they can review and look at budgeting for the work for upcoming years. There is storm water work that could be done at the township property.

### **MANAGER'S REPORT**

Manager Barrick submitted his report. The Township received \$4,700 for a recycling grant for our efforts in 2013. This included commercial and residential recycling. Chairman Barrett asked for the numbers of how much was recycled over the past years. This could also be included in the newsletter so residents see that the more effort put into recycling could benefit the township in larger recycling grants. We could set goals to increase our recycling efforts.

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

No report.

### **TREASURER'S REPORT**

Treasurer Metzger's report was submitted without any additions.

### **ROADMASTER'S REPORT**

No report.

### **ENGINEER'S REPORT**

Jason Reichard stated the West Yellow Breeches Road culvert #2 project is on its way. Mobilization has taken place and there is a two week window for completion. Larry Barrick said the project was listed on the website and the road was posted ten days in advance. County control and the school district were notified.

### **SOLICITOR'S REPORT**

Solicitor Smith submitted her report. The courts are working on procedures to the Municipalities Planning Code pertaining to considering applications that come before municipalities. Solicitor Smith said she is working on a request received from Mike Masley, prior Manager, on a clarification on a Right-to-Know matter with the Office of Open Records. This is an advisory opinion relating to fees.

Solicitor Smith report there is a case with the Right-to-Know pending in the courts where the Office of Open Records took the position that a Right-to-Know request should not have multiple responses. If there is a request with sub-parts, the request must be answered as one request. There is no flexibility to issue responses in portions. Larry Barrick will provide a list of items he feels should be able to be reviewed without the need of a Right-to-Know request, such as minutes, or a person who wants to review their file on their property. However, the only

way to be able to appeal is to submit a Right-to-Know request. Then the Board can adopt a policy. Another item to consider is publishing a log of Right-to-Know requests, which is more transparency, and would include the request, name of requester, how it was processed, and the cost. The idea of publishing a list is not to be seen as intimidating.

Solicitor Smith requested to meet with the Board in executive session after the meeting to discuss the two Right-to-Know appeals.

### SUPERVISORS' REPORTS

Vice Chairman Imholte mentioned he attended the Newly Elected Municipal Officials training on January 15 & 16. He recommends the training for Supervisor Straub. It was money well spent. Chairman Barrett said he had attended the course when he came on the Board.

Vice Chairman Imholte requested a breakdown of how much time and money are spent on each Right-to-Know request by Larry Barrick and Solicitor Smith, so the Township can be cognizant of it.

Vice Chairman Imholte mentioned the township owns three bridges, and one has been reported as being structurally deficient. He questioned if this will be added to the road program. Engineer Reichard said the bridge was incorrectly coded as a precast concrete adjacent box beam bridge on North Dickinson Road. Engineer Reichard's firm reviewed the study and determined that the bridge is a post stressed concrete plank bridge. He does not recommend updating the guide rails. He will work through HRG, the county engineer, to get the coding corrected so the bridge can be taken off the structural deficient list.

Vice Chairman Imholte requested Larry Barrick to provide an overview of the budget line items to get an idea of trends over the past several years. Chairman Barrett said the budget spreadsheet actually shows the past 3-4 years of revenue and expense for each budget line item.


Vice Chairman Imholte said he hopes to earn the residents trust. There is history we have to get over. He would like to be as open as he can be. If residents have concerns, they can email or call him. He bought a cell phone just for township purposes. Supervisor Straub agreed. Phil Thompson mentioned he called prior Supervisor Wrightstone and everything had to be forwarded to the Solicitor. Residents should be able to communicate with the Supervisors. It is his sense that the new board members are off to a good start and he respects them.

Chairman Barrett said there needs to be a policy for public comment to set guidelines to keep a meeting moving. The time limit needs to be maintained, which is common with public meetings. The Board is trying to treat everyone fairly and with respect. He is not aware of the extra three minutes ever being refused. The policy is to treat everyone equally and fairly and keep the meeting moving. Much has happened in the past and some of that the Board will have to make decisions on. Actions from previous Boards will not be duplicated by this Board. We will move forward and create a good environment, which will hopefully be recorded in the newspaper. There is nothing the Board can do about the past but it is a different direction going forward.

### ADJOURNMENT

Vice Chairman Imholte **motioned** to adjourn the meeting at 7:40 PM and to enter into executive session. Supervisor Straub seconded the motion and it passed unanimously.

Respectfully submitted,



Marjorie E. Metzger  
Secretary/Treasurer

