



Dickinson Township
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BOARD OF SUPERVISORS REGULAR MEETING March 21, 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; Don Yost, Roadmaster.

ABSENT:

VISITORS: Judy Brough, Ellen Colyer, Phil Thompson, Paul Cunningham, Greg Bretzman, Chris Alleman, Amy Myers, Earl Snyder, Jean Snyder.

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 this evening from 5:34 PM to 5:54 PM to discuss personnel issues.
- Parks & Recreation is seeking a volunteer to join their Board. If interested, please email Township Manager.
- Parks & Rec Board will be holding their annual Spring Yard Sale at Stuart Park on Pine Road on April 16, 2016 from 7 AM to noon. This event is open to the public and is FREE to attend. Vendor spots are \$10.00 and registration is required. You must bring your own table. Please see the Township website for more information.
- Parks & Rec Board are seeking Community volunteers to help plant, stake, water and mulch approximately 40 young shade trees along the border of Lindenwood Park on North Dickinson School Road in Carlisle, PA (adjacent to North Dickinson Elementary School) on Saturday, April 30, 2016 beginning at 8 AM.
- Parks & Rec Board and the Mt. Holly Fish & Game Association will hold their annual children's fishing derby at the Mount Holly Fish and Game pond on Saturday, May 7, 2016 from 7:00 AM until noon. The Parks & Rec Board are seeking volunteers to help run the event as well. Please see the Township website for more information.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

February 15, 2016 Regular Meeting Minutes

Phil Thompson said the minutes, with regard to Paul Cunningham's comments, should be amended to include the comments made by Solicitor Smith at the February 15, 2016 meeting. He suggested it is time for the township to get a new Solicitor.

Vice Chairman said the intent of the minutes is not to be verbatim of what was discussed. Chairman Barrett said the minutes are general in nature on the basis that there is a complete recording that can serve as a more exact

record. The minutes are a general brief overview of who was here, who spoke on what, the motions, seconds, votes, and things of that nature.

Vice Chairman Imholte **motioned** to approve the February 15, 2016 Regular meeting minutes. Chairman Barrett seconded the motion and it passed unanimously.

CONSENT AGENDA

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

1. Pay Bills
2. Ratification of Bill payments for March 7, 2016
3. Ratification of Township Newsletter Bill payment for March 11, 2016

CHAIRMAN'S REPORT None

PUBLIC HEARINGS None

PLAN REVIEW/CONDITIONAL USE HEARINGS

Michael T. Rowe

Manager Barrick pointed out that there is no representation for the plan present at the meeting. The deadline for the plan is April 12, 2016.

Vice Chairman Imholte questioned why the soils are shown on the plan but not the geology. The well is shown down gradient from where the septic system is shown. He would like to see acknowledgement that the applicant is aware of the location of the well in relationship to the septic system. Everything seems to drain toward Myerstown Road. He mentioned the infiltration basin is identified at the end of the driveway near the township road. Goodman Birtcher was told not to have infiltration near Route 11. Was infiltration testing required for the Rowe plan? Engineer Reichard verified the testing was performed. Manager Barrick said there are no proposed utilities, streets, or storm water facilities so it is typical to waive the preliminary process. Engineer Reichard pointed out the Goodman Birtcher plan had a full storm water management plan based on the size of the project.

Judy Brough questioned the location of the plan. Manager Barrick said it is on Myerstown Road, near Goodyear. A 20.3 acre parcel is being taken off a 100+ acre parcel.

Michael T. Rowe Waiver Request for Chapter 178-21 of the SALDO, to waive the Preliminary Plan submittal process.

Chairman Barrett **motioned** to approve the Michael T. Rowe waiver request for Chapter 178-21 of the SALDO, to waive the Preliminary Plan submittal process. Supervisor Straub seconded the motion and it passed unanimously.

Michael T. Rowe modification request for Chapter 178-24A of the SALDO, for a modification of the sheet size requirements.

Chairman Barrett **motioned** to approve the Michael T. Rowe modification request for Chapter 178-24A of the SALDO, for a modification of the sheet size requirements. Supervisor Straub seconded the motion and it passed unanimously.

Michael T. Rowe modification request for Chapter 178-24A of the SALDO, for a modification of the drawing scale requirements.

Chairman Barrett **motioned** to approve the Michel T. Rowe modification request for Chapter 178-24A of the SALDO, for a modification of the drawing scale requirements. Supervisor Straub seconded the motion and it passed unanimously.

Michael T. Rowe Sewage Facilities Component 1 Planning Module

Chairman Barrett **motioned** to forward the Michael T. Rowe sewage facilities Component 1 planning module to DEP for approval. Supervisor Straub seconded the motion and it passed unanimously.

Michael T. Rowe final minor subdivision plan for Michael T. Rowe – Deadline 4-12-2016

Chairman Barrett **motioned** to approve the Michael T. Rowe final minor subdivision plan, deadline of April 12, 2016, with the following conditions; the applicant must pay the \$800 Park and Recreation fee for creating a new lot before the plan is recorded; adding a statement to the plan acknowledging the location of the well in relationship with the septic system and the possibility for pollution given the proximity of the two; the township engineer's comment letter dated March 2, 2016; the planning module approval is received from DEP; and all administrative/engineering fees are paid in full. Supervisor Straub seconded the motion and it passed unanimously.

GENERAL PUBLIC INPUT (non-agenda items)

Judy Brough said she and others are concerned about compliance with the Sunshine Act. She filed a Right-to-Know request for documents on any decisions made in executive session with regard to the Breslin litigation and Reisinger video and was told that no such records exist. She understands any official action at an executive session should be taken at an open meeting. The decision to appeal to the Office of Open Records decision was not made in a meeting. If there is no record, then how does the public know?

Phil Thompson expressed concern that he and others have requested the Solicitor's vouchers, and they don't make any sense. The vouchers are not specific as to how much is being charged for the Right-to-Know requests for the Reisinger video and Breslin litigation. His estimate is \$12,000 - \$15,000, which includes the \$5,000 settlement. Who reviews the Solicitor's vouchers and who verifies the payments. He may file an appeal and hire a lawyer. There is no transparency or accountability for the Solicitor's work product. Why were the exemptions invoked? The Board needs to get the money back and make the records public.

EMERGENCY SERVICES REPORT

Greg Bretzman provided a fire report for February 2016. There were 8 calls through the 911 Center. He introduced Chris Allen, Fire Chief for Penn Township Fire Company, who has the new Tanker outside, and also Amy Myers of Union Fire Company in Carlisle.

NEW BUSINESS

1. Act 537 Plan Phase II Update.

Manager Barrick said Phase I has been approved by DEP and Bob Reisinger is working on an application for 50% reimbursement of the cost, which is approximately \$20,000. The township must submit an Act 537 plan update for the Phase II portion. Glace Associates had provided an estimate of \$51,960 in 2014 to complete the Phase II update, which will include a lot of well testing. The Board must decide to use this cost estimate or send out an RFP for cost estimates so that it can be included in the budget for 2017. The township has 3 years to submit the Phase II update to DEP.

The Supervisors agreed to use the Glace Associates cost estimate of \$51,960 for budget purposes for 2017.

2. Trade Center 44 Land Development Letter of Credit Reduction Request

Engineer Reichard said this is the first reduction request. He recommends releasing \$1,074,747.50, leaving a balance of \$2,480,802.29. The amount of release covered the site work, clearing, grub, stock piling, rough grading, soil erosion on site, and the storm water collection system.

Vice Chairman Imholte **motioned** to approve the Trade Center 44 letter of credit reduction request in the amount of \$1,074,747.50, based on the memos from Manager Barrick and Engineer Reichard. Chairman Barrett seconded the motion and it passed unanimously.

3. 2016 Road Project Bid Award

Engineer Reichard said bids were opened today and came in lower than anticipated. He suggested an additional \$50,000 could be spent on Peach Glen Road and still be under budget. There were three bids received for Contract 1 and three bids received for Contract 2. He has past working relationships with both low bidders. Both are qualified to complete the work.

Chairman Barrett questioned if there was language in the contract if the work is not completed within a certain time frame. Engineer Reichard said the work is to be completed within 90 days or there is a \$500/day liquidated damage.

Vice Chairman Imholte asked if the optional items were included in the bid. Engineer Reichard said the options were included, which were the guiderail improvements at three bridges, and the Chestnut Ridge intersection.

Vice Chairman Imholte **motioned** to award the road project bid for Contract 1 to Shiloh Paving & Excavating, Inc. in the amount of \$474,371.45; and award the road project bid for Contract 2 to Asphalt Maintenance Solutions, LLC in the amount of \$258,081.00. Chairman Barrett seconded the motion and it passed unanimously.

Vice Chairman Imholte **motioned** to authorize the additional expense as deemed appropriate by C.S. Davidson for Peach Glen Road up to the amount of \$50,000 through negotiations with the low bidder for Contract 1. Chairman Barrett seconded the motion and it passed unanimously.

4. Resolution 2016-04 Calling upon Legislature to amend the Covered Device Recycling Act, Act 108 of 2010

Manager Barrick explained that Act 108 of 2010 specified how electronics must be properly recycled and cannot be taken to landfills. This is making it more difficult to dispose of electronics which is causing more items to be disposed of along the roads. This Resolution calls upon the legislature to make changes to the Act and find a solution.

Chairman Barrett **motioned** to adopt Resolution 2016-04, which calls upon the state legislature to amend the Covered Device Recycling Act, Act 108 of 2010. Vice Chairman Imholte seconded the motion and it passed unanimously.

OLD BUSINESS

1. Zoning/Saldo Draft Ordinances.

Chairman Barrett said a meeting will be held on April 4 to look at the map and get it nailed down as the first step in the process.

2. Master Storm water Feasibility Study – Mountain View Road Drainage.

Nothing to report.

MANAGER'S REPORT

Manager Barrick introduced the Roadmaster, Don (Pudge) Yost. So far he has gotten a lot of work completed and is preparing roads for the 2016 projects.

Vice Chairman Imholte asked where we stand on hiring a Zoning Officer. Manager Barrick said he is working on setting up an interview next week.

ZONING OFFICER'S REPORT

No report.

TREASURER'S REPORT

Treasurer Metzger's report was submitted without any additions.

ROADMASTER'S REPORT

Roadmaster Yost's report was submitted without any additions.

ENGINEER'S REPORT

Engineer Reichard's report was submitted without any additions. Vice Chairman Imholte asked if the structural deficient bridge issue has been resolved. Engineer Reichard said he has received written confirmation from Penn DOT that the report was updated and accepted with a new rating for the bridges. HRG processed the change through Cumberland County with Penn DOT. Vice Chairman Imholte requested a copy of the confirmation.

Vice Chairman Imholte thanked Engineer Reichard for providing the pavement core results.

SOLICITOR'S REPORT

Solicitor Smith said the Dickinson Township Municipal Authority had a request for an additional easement for Trade Center 44. It appears the 10' appeared to be on the 2004-2005 plans as a proposed utility easement but it was never conveyed. The original reserved area plus the 10' should be conveyed to Dickinson Township Municipal Authority. This will allow for improvements to the system.

Solicitor Smith reported a response has been filed to the motion to amend the complaint to the Breslin litigation and it is back in the courts hands. She is the Board's liaison counsel on this matter. There has been no communication from the insurance defense.

Solicitor Smith submitted her letter of resignation to the Township, due to personal reasons. She thanked the Board for the opportunity to provide legal services to the Board, and staff who work very hard to the benefit of the residents. She reviewed initiatives that this township has gone through that she provided legal services and support to include the modernization of the accounting system by Laura Portillo; moving forward with the Solid Waste Management Plan; and Larry and Laura being attentive to addressing immediate problems with the contractor; support of management when new laws were developed by state and federal agencies; the immediacy to reflect the development of new laws in the proposed zoning ordinance; development of the capital reserve fund for the roads and the commitment with the engineer to move forward; and acquisition and improvements of the infrastructure of the public parks.

SUPERVISORS' REPORTS

Vice Chairman Imholte thanked Manager Barrick for the yeoman work he is doing. We need some people to relieve some of his duties. His extra efforts are appreciated. Chairman Barrett and Supervisor Straub agreed and echoed the comments.

ADJOURNMENT

Vice Chairman Imholte **motioned** to adjourn the meeting at 7:15 PM and to go back into executive session. Supervisor Straub seconded the motion and it passed unanimously.

Respectfully submitted,

Marjorie E. Metzger

Marjorie E. Metzger
Secretary/Treasurer

