



Dickinson Township
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BOARD OF SUPERVISORS MEETING April 15, 2024

PRESENT: **ROBERT LINE, III, ROB KOLE, JEN DEGAETANO - SUPERVISORS;** Marjorie Bear, Assistant Manager/Secretary/Treasurer; Glenn Kelso, Public Works Director; Laci Hockenberry, Assistant Secretary/Treasurer; Matt Boyer, Solicitor.

ABSENT: Larry Barrick, Manager; Jason Reichard, Engineer

VISITORS: Dan Carroll, Cathy Little, Earl Snyder, Jim DeGaetano, Chris Young, Patrick Carmody, Steve Keller, Marty Williams, Beth Kikla, Judy Brough, Lisa Thomas, Dale Thomas, Nate Merkel, Ali Tanveer, Ron Monismith, Michelle Line, Ryan Heishman, Troy Fluss, Tina Fluss, Elizabeth Grant, Tom Imholte, Sara Veshecco, and Matthew Nikoloff.

CALL TO ORDER & PLEDGE OF ALLEGIANCE

Chairman Kole called the meeting to order at 6:00 PM. The Pledge of Allegiance was recited by those in attendance.

OPENING ANNOUNCEMENTS

- The DTWP Park and Recreation Board is seeking a volunteer to serve on their Board. Please contact the Township Office at (717) 486-7424 if you are interested in serving.
- The DTWP Planning Commission is seeking a volunteer to serve on their Board. Please contact the Township Office at (717) 486-7424 if you are interested in serving.
- **FOUNDER'S DAY & FLEA MARKET:** The Township Park and Recreation Board are excited to announce their 1st Annual Founder's Day and Flea Market. It will be held on April 20, 2024, from 10 AM to 3 PM. Please see Township website for more details. Public Works Director Kelso announced that this event may be postponed or cancelled due to the on-going in climate weather conditions and the possible damage of the park property which could be costly to repair. A final decision is pending and all avenues of publicity will be used to inform the community.
- The Board of Supervisors held the following executive sessions for personnel matters: April 3rd at 4:30 PM; April 9th at 8 AM; and April 15th at 5 PM.

APPROVAL OF AGENDA

A motion was made by Supervisor DeGaetano and seconded by Vice Chairman Line and unanimously passed to approve the agenda.

APPROVAL OF MINUTES

Chairman Kole mentioned two amendments to the minutes and provided a written statement of his comments concerning areas with possible savings to be used to cover the costs of the FPR coalition under the Chairperson's

Report; and to add a phrase under New Business, Item #2, the last sentence, adding “he appreciates the extra layer of transparency”.

A motion was made by Chairman Kole and seconded by Supervisor DeGaetano and unanimously passed to approve the April 1, 2024 Regular meeting minutes, as amended.

CONSENT AGENDA

A motion was made by Vice Chairman Line and seconded by Supervisor DeGaetano and unanimously passed to pay the bills for April 15, 2024.

CHAIRPERSON’S REPORT None

EMERGENCY SERVICES REPORT

Two Pennsylvania State Police Officers were present and reported that everything looks good in Dickinson Township. They have been responding to the typical spring season standard motorcycle crashes.

GENERAL PUBLIC INPUT (non-agenda items)

Chairman Kole read a prepared statement as follows: Good evening. We have quite a few people with us this evening. Some of you may be here to comment on the status of our Township Manager, Larry Barrick. At this juncture the Board is not able to respond to questions or comments regarding Larry’s status. The matter is an ongoing personnel matter. There may be additional information that will be publicly available in the future. We are unable to comment further on the matter at this time.

Chairman Kole continued by stating as we open the floor to public comment, he requests that you direct your comments to the Board. He asks that you try to keep your comments to no more than three minutes so we can accommodate any individual who wishes to speak. Public comment is not a time to engage in debate. He appreciates everyone maintaining civility in public discourse.

Nate Merkel stated he has been serving the Township for the past 8 years, from the Park & Recreation Board to the Planning Commission, and will continue to do his best to serve the Township. He stated Larry Barrick has been nothing but fair and has the best interest of the Township and residents in his heart and was in the middle of the road, honorable and up front. It is a sad day to see his 20 years of service to this Township not here anymore. To be put on a leave of absence with the knowledge he possesses is a dis-service to the Township and residents.

Cathy Little raised a question about the process and discussion of selecting a Solicitor over the past couple of months and asked at any point of gathering the proposals, holding the interviews, and making the final selection did Mr. Kole discuss his long term professional relationship with Salzman Hughes law firm? Solicitor Boyer said the General Public is an opportunity for the public to speak. Ms. Little stated that Jim Hughes and Mr. Kole are business partners. She stated that Mr. Kole, Jim Hughes and Brian Salzman own property together and that they are all partners in the Alexander Spring Professional Center LLC that owns the buildings where Mr. Kole’s office and Salzman Hughes Carlisle office are located. She stated that Mr. Kole and Jim Hughes have a close personal relationship and that Mr. Hughes has flown Mr. Kole to a Dallas football game. She stated that Jim Hughes has set up multiple LLC connections for Mr. Kole. She asked if any of this was disclosed? She asked if Mr. Line or Ms. DeGaetano knew about this, which they could not comment. Ms. Little shared that Mr. Kole did not expose his relationship and did not recuse himself from the decision but advocated and voted for Salzman Hughes to be retained as Solicitor. She expressed this is not transparency and is a conflict of interest. She suggested Salzman Hughes should resign as Solicitor and that Mr. Kole should resign as Supervisor. She had the public records for the comments she made.

Marty Williams questioned why Manager Barrick was not present and if he has resigned or something. The limited time she has been attending the meetings, he was very helpful and had so much knowledge and it is frightening that he won’t be around. He was always balanced. She expressed interest in more open discussion on finding extra money in the budget and asked for the opportunity to present something on that matter.

Judy Brough has lived in the Township since 1983 and has experienced the good, bad, ugly and corruption in this Township to include embezzlement of money, the Solicitor using the Township as an ATM, the Supervisors using resources and personnel for personal use, ethics violations, transfer of funds with no knowledge, and kickbacks from warehouses for approvals. Several residents had to file hundreds of Right-to-Know requests which cost a lot of money and the use of personnel resources to process the requests and then reviewed by the Solicitor who billed for that process. She stated there must be strict adherence to the Sunshine Act and 2 Supervisors are a quorum. No private discussions or communication is permitted. She mentioned the Solicitor bills in 2010 were \$50,000 and in 2011 they were \$100,000, which was a huge budget item. She asked for a comparison of Solicitor fees for the past few years to the current year. She asked for the audio recordings of the meetings to be posted on the website for people who cannot attend. The minutes should be more and not less. The recordings are good to hear and for memory because the minutes can't be that detailed. Ms. Brough asked about the abrupt leaving of Larry Barrick with 20 years of experience and questioned who will replace him and what the process will be. She has lived through 5 Managers and Mr. Barrick will be difficult to replace. A yes man or woman can't be hired. That was done before and it was a very long litigation. Larry Barrick was the most effective Manager. Even though you don't always agree, you did understand his position and decisions. The budget is approved in October, is advertised and residents are invited to comment. The employees compensation is set in January. She doesn't like budget tinkering. The FPR coalition has been approved but no budget line item for that use. The minutes reference the "odors" starting in 2014. Taking funds by slashing employee benefits will not go well for retention and hiring of well qualified people. She has all the minutes and recordings going back to 2009.

Tom Imholte understands the Supervisor position can be hard to fill especially when sitting in the middle and having all comments directed at you. He knows Mr. Kole to be a stand up individual. Larry Barrick is considered to be a very stand up guy doing well for the Township. He suggested coming to some way to retain him if possible. It is sad to have armed police officers at our meeting again, which is what got him interested in being a Supervisor. That is a breakdown within the whole community to feel armed police are needed. People have disagreements but should be able to do so in a fair and equitable, peaceful way. He appreciates the job the Supervisors are doing and supports them, but we need to know what is happening.

Jim DeGaetano has been in the Township since 2015 and loves it. There were things going on with FPR odor that he didn't understand and DEP came in at one point but the response from the Township was they couldn't do anything about it. He didn't feel for 7 years that anyone had his back and now he feels that because of the coalition. You need critical skills, not based on costs alone because that is a cheap product. The change in the auditing firm and Solicitor provided far more than in the past. There are benefits for having these professionals. He mentioned the \$1.5 million in the General Fund and how a transfer can be done in a minute. That was the Manager's responsibility and is a derelict of duty. Fraud has happened in the past and the other side is sound good decision making. It is a smart decision to make money with no risk. He said that there are no treasurer reports to inform the Board of what money there is at any time. He mentioned the 35% above average for the healthcare benefit and gave kudos to the Board for looking at that. The Manager is on leave and he didn't want the recordings of the meetings to continue. His opinion is that is what minutes are for and suggested keeping the recordings for six months is far enough. He thanked the Board for what they do.

Lisa Thomas said she is a 20 year resident and is interested in getting more involved. She mentioned her experience last year as a small business owner and trying to get permits and the road blocks along the way. At first they were upset but then got a lot of support as they came to understand the process. What she is hearing is that change is hard. The Township and residents have to let the past go and move forward. She stated that she works in banking for almost 40 years. She questioned why we are not making money on the \$1.5 million we have, and stated that she has a hard time with that. Look at what is needed to make the Township great and better. We don't always agree but we should have conversations and keep things moving forward. She thanked the Board for volunteering and appreciates the Supervisors and staff.

Marty Williams questioned if the meetings are going to start having police presence? She thought they were present to report on the emergency services report and not to guard. Supervisor DeGaetano stated no to the police being present as guards and confirmed that they were there to report on the emergency report. Chairman Kole noted they were there for support, and he did not think there was any reason for guards. She had no objection to the money

market idea and moving forward. She would like to have the opportunity to speak about the Kaiser report, but it is not on the agenda.

Dan Carroll is new to the Township and has no dog in any of this except FPRs. He expressed his concern with the utilities in the Township, which are the worst he has ever had and asked the Supervisors to look into the matter. He thanked the Board for pushing the FPR issue.

Chairman Kole mentioned the stability that can be exemplified when we come together. We all want what is best. With regard to the conflict of interest, he mentioned the Financial Interest that he submits which is available. He is a business owner, has ten businesses of multiple operations and structures. He has known Mr. Hughes and Mr. Salzmann for a long time and they have an outstanding reputation in this area. He asked all the Township's in the area and their name came to the top. The RFP was discussed in a public meeting and 4 firms responded. My relationship with Mr. Hughes was public. Just because I know him doesn't mean that they don't do good work. Their bid was the lowest hourly rate, which was below our current Solicitor at the time. It is my fiduciary responsibility. When you try to change there is always push back. He is proud of what he has done so far. Salzmann Hughes firm was more qualified and provided more resources at a lower rate. The vote was unanimous. He disclosed his relationship, it is not a secret and he is proud of it. He is available to meet with residents or take phone calls and hear all ideas. We are tax payers and trying to save money.

Nate Merkel said he has worked closely with Salzmann Hughes through his line of work and they are one of the best. We are in good hands.

Cathy Little asked if the other firms for Solicitor knew about the relationship with Mr. Kole and Salzmann Hughes? Mr. Kole said there was no obligation to disclose that.

PUBLIC HEARINGS None

PLAN REVIEW/CONDITIONAL USE HEARINGS None

NEW BUSINESS

1. Acceptance of the WCCG 2024/2025 Road Material Bids

A motion was made by Vice Chairman Line and seconded by Supervisor DeGaetano and unanimously passed to accept the WCCOG 2024/2025 Road Material Bids as outlined in Public Works Director Kelso's memorandum dated April 15, 2024.

2. Bid approval for Contract #1 Peach Glen Road project.

Public Works Director Kelso said the bid with 5 alternates came in at \$1.07 million from New Enterprise Stone and Lime Company, which is considerably lower than the initial expected estimate of \$1.4 million, which is a significant savings. The Township has worked with all 4 companies that bid and he would trust any of them so there is no reason not to go with the low bidder.

Judy Brough asked if Knouse Food will be contributing to the project since they use that road. Public Works Director will check on that matter.

Beth Kikla asked about a tax that was put in place for the road project. Vice Chairman Line said there was a real estate tax enacted but it was not directly related to the Peach Glen road project. Chairman Kole said there was an \$800,000 deficit between the revenue and expenses so the tax was enacted to close that gap, whether the Peach Glen road project was done or not. The savings on this bid does not allow us to reduce the tax.

Earl Snyder was concerned with the amount of stone that is left in his development, especially at the cul-de-sac where he lives, after the chip seal project and asked if the contractor cleans up the loose stone. Public Works Director Kelso said the Township does the sweeping, which is happening now but they have not gotten to that location yet.

A motion was made by Supervisor DeGaetano and seconded by Vice Chairman Line and unanimously passed to accept the Bid for Contract #1 Peach Glen Road project for \$1,070,865.00 with New Enterprise Stone and Lime Company.

3. Bid approval for Contract #2 Chip seal.

A motion was made by Supervisor DeGaetano and seconded by Vice Chairman Line and unanimously passed to accept the Bid for Contract #2 Chip Seal for \$199,798.50 with Russell Standard Corporation.

4. Personal Device Use for Two-Factor Authentication for Township Email

Vice Chairman Line expressed his concern with email authentication going from 0 to 60. Previously, a password was used to access township email. The two factor authentication now requires the use of Microsoft authenticator which you must use your personal phone. He suggested going 0 – 30 and require passwords to be changed on a regular basis which would gradually increase the security instead of going directly to the two factor step which is more aggressive. He was in favor of increasing the complexity of the password duration which is not as much of an inconvenience to address an issue that we haven't had before. He questioned if this requires a full license of the entire Microsoft suite and if there is additional costs involved. Chairman Kole said he contacted the IT company who said the multi-factor authentication was available but there was push back from the staff in 2019 about getting it. He mentioned the breach in 2015 when the Township had to pay a ransom of \$500 to bit coin and is concerned with a security hole. There are multiple options for authentication other than your personal phone. Vice Chairman Line stated ransomware is different than authentication. Staff was directed to contact the IT company for a full list of pros & cons of the options with any security issues on the options and any costs involved.

MANAGER'S REPORT Nothing to report

ASSISTANT MANAGER'S REPORT Nothing additional to report

TREASURER'S REPORT Nothing additional to report

ZONING OFFICER'S REPORT Nothing to report

PUBLIC WORKS

Public Works Director Kelso asked for everyone's patience as the Peach Glen road project progresses. He will provide updates on the website.

ENGINEER'S REPORT Nothing to report

SOLICITOR'S REPORT

Solicitor Boyer reported that Penn Township has joined the FPR coalition. Brian Salzman is leading the project and is optimistic about getting results. The more Township's that join, the less the price will be per Township.

SUPERVISOR'S REPORT

Vice Chairman Line thanked Cathy Little for sharing the information on Rob Kole. He did disclose his personal interest with Salzman Hughes, but not his financial interest. That is why it is good to keep the recordings because details can get lost in the summary minutes. He thanked the State Police for attending and being involved in community outreach, sharing information, and providing assistance.

Supervisor DeGaetano reported that she spoke to Senator Rothman who said things are moving with the proposed legislation for FPR's and that different angles are being worked. He is listening to municipalities, the agricultural bureau, and legislators for recommendations. Legislation is expected in the next couple of months and things are moving in a positive direction.

OLD BUSINESS

1. Recordings of Meetings

Chairman Kole shared Manager Barrick's memorandum dated April 1, 2024 outlining the options for the use of recordings of public meetings. Vice Chairman Line has expressed his desire to continue with option 3 which is

posting the recordings on the website and saved on the hard drive. Chairman Kole said he is strong in Vice Chairman Line's camp and is listening to what the professionals are telling him.

A motion was made by Chairman Kole and seconded by Supervisor DeGaetano to move forward with Option 1, which uses the recordings for minute purposes only and do not post them, and they will be deleted after the minutes are approved by the Board. After further discussion and public input the motion was later withdrawn.

Supervisor DeGaetano strongly recommended not posting the recordings and to listen to the bodies that are supposed to represent us to include PSATS, Second Class Code, and Solicitor.

Vice Chairman Line said the recordings are a way to build trust with the Board and residents. They provide history to look back and see what was said accurately. Many people can't attend the meetings but want to stay in touch. We have never had any problems with the recordings. It is a great benefit to the residents to have and is nothing negative. Maybe other Township's haven't had the turmoil that we have had. There is no harm in continuing that practice and it keeps us as a respectable Board. He agrees with staying with the current policy.

Beth Kikla shared an example when the Planning Commission had a very difficult conversation and discussion for 1.5 hours and the minutes did not reflect very well the complexity of the subject or the points. By just reading the minutes you don't understand the issue. Listening to the audio really helps and it allows you to make changes to the minutes. Without the recordings the public would not have the opportunity to listen and understand the conversation.

Chairman Kole said you can still record and amend the minutes before they are adopted. If minutes are the official record of a meeting, then we must do what we are required to make the written minutes accurate because that is what is entered into record. We still keep the recording until the minutes are approved at the next meeting. The public can ask for the recording the day after the meeting at no cost.

Dan Carroll said in this day and age you don't know if news is real so not having recordings would set a bad precedent. He agrees with keeping the recordings. We have elected officials that are not necessarily always looking out for us. History is written by victors. What is being taught today is not the same as what he was taught.

Judy Brough stated there is no way to make minutes as detailed as a conversation implies. You can't always get the context or tone from written words, but by verbatim. She questioned why the recording would be discarded immediately and not a year or so later. People will look at this and say they are trying to make it so we can't hear what is going on. People who can't come to the meeting only have the written minutes. The recordings allow you to hear all the nuances. That is not being transparent but indicates you are trying to cover something up. Other Township's don't have the history that we have. It makes us suspicious. She is very against discarding the recordings.

Tom Imholte questioned why the recommendation is to not continue to have recordings of the minutes. Solicitor Boyer stated that the Second Class Township Code requires written minutes as the official record of the meeting. Mr. Imholte said you need to be open with the public. What is driving the request of the staff to ask to get rid of the recordings? Let's make the Township the best. Is it tied to litigation? It is subjective and it takes us to task if we make a mistake. He recommended continuing with Option 3 which is the current policy of posting the recordings on the website.

Earl Snyder mentioned his studies of Gettysburg and how history was recorded by using adjectives and writing from the heart and that is how we learn from them. Minutes don't provide the full story. We are all fighting for the same thing. We need to get the people's way of saying things and not just minutes. Listening to the recordings is a good way for the person who replaces Larry Barrick to learn how the Township got to this point and the projects that are going on and so on. Listen to what the issues are and what needs to be changed. The agenda is non-descriptive. The people who really want to know can listen and get a feeling of what the Township wants.

Elizabeth Grant stated she values the audio recordings since she has meeting conflicts to be able to attend the Supervisors meetings. Her concern, based on the memo, is that draft minutes are frowned upon. Without draft minutes the people won't be informed until the next meeting when they are approved, which would be a delay. It is important for people to know what is going on.

Marty Williams said she has tried to understand why the Solicitor has recommended not posting the audio. The Solicitor is hired for legal advise to the Supervisors who represent the Township, which is separate from the people you are elected to represent. The recordings are a wonderful thing and she listens to them. She can get to know someone and their voice before she meets them through the recordings. People rent or own their slice of the Township and it is their right to be involved and know and for the Supervisors to seek input from the residents. She is adamant about having the audio. You can't go to the county, state and federal level and have this kind of discussion. Without the audio there will be more questions because you don't understand the written minutes. This is the only time she has seen this many people attend a meeting since the tax was voted on. Best practice and legal reasons are important but she suggested listening to the residents. Supervisor DeGaetano appreciated her comments and desire to be involved, whether reading the minutes or listening to the recordings. It's nice to see that residents are engaging and following the meetings even if they are not in attendance.

Chairman Kole stated this is the best meeting we have ever had. He questioned if this costs us money and suggested a joint session with the various Boards for additional discussion to determine what is the best interest for all.

A motion was made by Chairman Kole and seconded by Vice Chairman Line and unanimously passed to table the recordings discussion.

2. Food Processing Residuals (FPRs) and Biosolids Update

Dale Thomas questioned the role of the coalition. He was concerned with saddling farmers with more regulations and making it harder to make a profit. He understands the smell but asked as the coalition proceeds and the Township gets more involved with the state to take the farmers needs into consideration too.

Tom Imholte commended the Township for taking the next step. It is greatly appreciated. This was an issue when he was on the Board and the initial step was taken to contact DEP about the regulations it falls under, which can't be enforced because it is so old. We did a Right-to-Know with DEP. There is no nitrogen in the FPRs. The law needs updated. This is being governed by something that can't govern it. What we did at that time was inadequate. He is hopeful we can make some headway. There has to be a better way to regulate it.

Chairman Kole stated the Secretary of Agriculture made similar comments and stated his interest. The coalition in Cumberland County is made up of Dickinson, Penn, and South Middleton Townships and other townships may be joining. We are banning together at a local level with health concerns, water contamination concerns, manure and more regulations for FPR's.

Supervisor DeGaetano said we need to educate and the legislature has been working to update regulations that are over 15 years old. We don't want to hurt farmers but want to have responsible farming. She loves the farming community but wants to be able to enjoy the community as well. We are hearing concerns and are taking it to the top and will have changes.

Nate Merkel said the smell is offensive. He questioned if there has been any talk about doing water quality testing and the impact with the over application with the karst geology, soils and so on. Supervisor DeGaetano said that is being looked into and that is what we are pushing for. This is ground zero and we all have wells. Mr. Merkel said there can be infiltration in a solution channel that can affect private wells outside the area where the product is being applied. Chairman Kole said that is why the coalition was formed so all issues are addressed. We all care about what Mr. Merkel is saying. We don't want Philadelphia deciding what is done in the local communities. Mr. Merkel said the issue goes deeper than the smell. Data and testing are required and an environmental study. Supervisor DeGaetano mentioned a working group in Harrisburg that is tasked with looking into these issues and providing recommendations.

Ray Jones said he is a former Supervisor chairman and stated the FPR process is controlled by the legislative process. He was concerned with the material distribution in the fields and mentioned the 86 acres behind his residence where the process occurs and some times they forget where they have gone and go over the same area several times. There are puddles of the material laying in the field. It comes in tractor trailer loads that exceed the weight limits of the roads and pump into tankers that spread it. Dickinson Township will be the cesspool of Cumberland County. We are happy when the wind is blowing away from us but then he thinks of the folks down wind who get the odor. We have some pretty respectable developments. If people come here looking to buy and get a whiff they will go somewhere else. The legislature is not concerned about the people living with this smell. It is not a nice place to be if in the hot zone.

Michele Line stated the smell is terrible. Ten years ago the Carlisle Borough was pumping biosolids that went into their well. A scientist needs to look at all the components that are spread that can't be seen, and the air quality. Ten years ago we were ranked in the top 10 in the nation for air quality. Supervisor DeGaetano stated biosolids are heavily regulated and can't be touched but we can take our concerns and ask questions. The materials come from New York City, Carlisle and Gettysburg.

Ali Tanveer mentioned he has worked for 12 years with an online business and Dickinson Township appeared on a list of 45 best places to live in the United States. Over the past ten years the smell is so much worse and you can't go outside. He knows people living in Pakistan don't have smells like this. Young people are leaving because of the costs. We need to improve the living conditions.

Dan Carroll stated farms operate 24/7. They spread and have trucks coming all night long. These are 80,000 lb. trucks that are tearing up Old York Road and make a lot of noise. He would undo the sale of his house and leave if he could. Something is going on that is not natural to farming. This is waste management at a scale that is unorthodox.

Chairman Kole stated FPRs is probably the number one issue, which connects the dots back to the Solicitor change. Bryan Salzmann is an expert in environmental law, grants and legal services. We are at ground zero and he is very confident we will have some solution to the best of our ability. He is cognizant of farming and doesn't want to affect that at all but we are doing the best job we can.

3. Future of Barnitz Mill Discussion

Elizabeth Grant reported that she has been meeting with a dedicated group of people. The Friends of Barnitz Mill are working to connect the mill to the park and Township. They are putting together a business plan for end uses and cost estimates for restoration. The group is looking to formalize and have by-laws and need a physical address for their correspondence. Their next meeting is Wednesday at 3 PM. The Board agreed to allow them to use the township address.

4. Discussion to begin Enforcement of the "No Parking Zone" on Old State Road in Hunters Run – No update

ADJOURNMENT

A motion was made by Supervisor DeGaetano and seconded by Vice Chairman Line and passed unanimously to adjourn at 8:16 PM.

Respectfully submitted,

Marjorie E. Bear

Marjorie E. Bear
Asst Manager/Secretary/Treasurer

