



Dickinson Township
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BOARD OF SUPERVISORS MEETING

July 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; Abigail Miller, Zoning & Codes Enforcement Officer; Matt Boyer, Solicitor.

ABSENT: Jason Reichard, Engineer

VISITORS: Jim DeGaetano, Clayton & Kim Lynch, Marty Williams, Janet Kemp, Matthew Heckman, Michelle Line, June Standora

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 Board of Supervisors held an executive session this evening from 5:25 PM – 5:57 PM for a legal update on the FPR issues, as well as personnel matters.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

A motion was made by Supervisor DeGaetano and seconded by Vice Chairman Line and unanimously passed to approve the June 17, 2024 meeting minutes.

CONSENT AGENDA

A motion was made by Vice Chairman Line and seconded by Supervisor DeGaetano and unanimously passed to ratify the bills for July 1, 2024 and to approve the bills for July 15, 2024.

CHAIRPERSON'S REPORT None

EMERGENCY SERVICES REPORT None

GENERAL PUBLIC INPUT (non-agenda items)

Matthew Heckman read a prepared statement concerning matters with several neighbors to include the setting off of fireworks, damage to a pond and dam structure, collection of water run off from Route 34, a failing septic system draining onto Route 34, and discharging of firearms. He mentioned pending litigation with a neighbor and was

willing to share the information and videos. He expressed his dissatisfaction with the Pennsylvania State Police and Township on their review of these matters that they consider civil matters.

Chairman Kole mentioned he and Public Works Director Kelso met with Mr. Heckman concerning a boundary dispute, and did request the Pennsylvania State Police to look into the other civil concerns, which was done. Chairman Kole directed Public Works Director Kelso to contact Lt. Henneman of PA State Police and set up a meeting for Mr. Kole, Mr. Kelso, and Mr. Henneman to review the matter and then an update will be provided.

Clayton Lynch expressed his concern with the bank work that was done at his property located at the intersection of Peach Glen and Chestnut Ridge Road, which has caused a problem with his septic system and drain field that is now leaking near the culvert pipe. Public Works Director Kelso stated the work was done as part of the Peach Glen Road project which includes widening of the road and installation of a storm water inlet box to collect water coming around the corner. The project is not completed and a stone wall is to be installed at that location.

Vice Chairman Line visited the site and took pictures, which he shared, to help explain the work that was performed and the location of the leaking septic system, which is very close to the road. Chairman Kole also spoke with Mr. Lynch. It was agreed to set up an on site meeting with the Sewage Enforcement Officer, Township Engineer, Public Works Director Kelso, Mr. Lynch, and one of the Township Supervisors if possible to determine what needs to be done to resolve the issue.

Mr. Lynch also mentioned a drain located on Chestnut Ridge that was filled in and should be corrected, which Public Works Director Kelso will bring to the contractors attention.

PUBLIC HEARINGS

Chairman Kole opened the public hearing at 6:36 PM to hear comments on the proposed addition to the Agriculture Security Area located on North Dickinson School Road that is owned by West Cumberland Partners, LLC.

Chairman Kole read a statement that was submitted by Mark & Amy Paskalik objecting to the proposal if the intent is to facilitate the dumping or continued dumping of Food Processing Residuals (FPRs). Chairman Kole read a statement that was submitted by Hal Warnick who is concerned with the health and welfare of the children who attend North Dickinson Elementary School which is across the road from this proposed property. He suggested prohibiting FPR application within the groundwater source for the school. Chairman Kole shared a petition with 45 signatures objecting to the proposal if the intent is to facilitate the dumping or continued dumping of Food Processing Residuals (FPRs).

Supervisor DeGaetano shared a few emails she received in opposition to the proposal due to the children who attend school there and their health given that they are breathing in whatever FPR toxins the farmers are using; the special nuisance protections from local ordinances and nuisance lawsuits; air quality standards; exposing the water system to these chemicals; and decreased real estate value.

Vice Chairman Line mentioned farmers already have those protections under the Right to Farm Act. This farm is not using FPRs.

Jim DeGaetano expressed the need for a definition of what a normal agriculture operation and waste management is, with FPR being the key issue. He mentioned water contamination, air quality and public health. He mentioned the Right to Farm Act has not been updated for over 20 years. If the proposed land is related to farming with a solid history of farming, then he is for it. But if it is connected to farming operation using questionable and harmful FPR's, then he questions the request. He questioned who is in the group and the reason for the request.

Don Yost questioned if the ground is being tested and mentioned the nutrient management regulations for farming. Supervisor DeGaetano said the applicant does have a nutrient management plan, but could not answer as to what is being tested. Mr. Yost mentioned most farmers are about the land and don't want to ruin it.

Vice Chairman Line stated this matter has been thoroughly reviewed by Elizabeth Grant, who is employed by Cumberland County. The owner, Mr. Wilson, is interested in agriculture preservation. The Agriculture Security is

the first step in that process. He is trying to be a good steward of the land and to get it preserved. There is nothing in the agriculture security program that would prohibit them from doing what they are doing now. If they want to spread FPRs they can. The County review states that the FPR is not part of this process, but rather to work towards the preservation of this property. Mr. Wilson and his partners have no intention of spreading FPRs and use this land to grow the grains that are used to feed their cattle that are located on another property. Mr. Wilson wants to keep the rural character of the Township. By prohibiting this property from joining the Agriculture Security Area it is also prohibiting the preservation of farm land. Chairman Kole said there is no way to prove if FPRs have been spread on this land or not, and Vice Chairman Line said that is correct, not without some kind of testing. Supervisor DeGaetano said by putting this land in Agriculture Security, it would allow extra protection if they would choose to spread FPRs. Vice Chairman Line said according to Cumberland County and Elizabeth Grant it does not.

Matthew Heckman mentioned how Schuylkill County has been using the laws because FPRs is becoming a very profitable industry. Farmers are using FPRs constantly and dressing it up as farmland preservation. Jim DeGaetano said if the owners are not given any added protection then why do it, there is no need to worry about preservation.

Chairman Kole stated in order to go into preservation, the first step is agriculture security. This owner wants preservation, so he needs to go through this step first. With preservation, you can't develop the land. The County has the incentive to give the farmer money for the development rights and that money can be used to buy another farm, and keep more land green. It is a one time payment. Ms. Kemp questioned if Mr. Wilson is against FPR's, could he put that in writing that he would not use FPRs? Chairman Kole said that idea was pitched at the Planning Commission meeting.

Solicitor Boyer said the idea of not using FPRs was approached. There is nothing to prohibit that, but the Township cannot impose it. The applicant would have to offer that. Mr. Wilson did not believe a condition would support the statute. Spreading FPRs is part of the definition for normal farming practices. It cannot be prohibited in an agriculture area. Vice Chairman Line stated this would be strong arming the farmer to get the approval. They are legally allowed to do it. What we would be asking for is a use he is not doing and he could sue the Township and potentially win. Supervisor DeGaetano said she is opposed because of the partners, which are two Jones. Vice Chairman Line stated the Jones is a huge family and to say one is like the other is not fair. Supervisor DeGaetano requested a meeting with Mr. Wilson and his partners.

Michelle Line mentioned when thinking of Carlisle, it is just a corridor for warehouses and trucking. But a lot of farm land is preserved and that has saved us from other warehouses coming in. The preservation benefits more than the farmer. It is more than FPRs.

Rob Kole spoke as a resident, stating he has driven North Dickinson School Road every day for 18 years and there is a lot of spreading going on. The farm behind this farm is spreading FPRs all the time. There is ponding across from the school that was never there until they started spreading. There is flooding at the intersection with Old York Road because of the over spreading. Everyone wants farming operations and welcomes manure and natural products, but are concerned about FPRs.

June Standora stated the smell of manure is totally different than the smell of FPRs. You can't open the windows or sit out on the porch. What they are spreading is not good.

Solicitor Boyer stated there is nuisance protection in the statue. It would limit the nuisance claims that could be brought against the farmer. He doesn't think anything exists that show FPRs are a public health issue. If it was, at some point that would take it out of that protection. Chairman Kole the property owners are on record that they don't spread FPRs and have no intention to. Their desire of the request for agriculture security is to get the preservation. That is what the Planning Commission and Cumberland County approved. Public Works Director Kelso said everything is based on normal farming operation, even the nuisance ordinance. If FPRs are classified outside of that, it would change everything, even the ordinance.

Chairman Kole closed the public hearing on the agriculture security area request at 7:18 PM.

PLAN REVIEW/CONDITIONAL USE HEARINGS None

NEW BUSINESS

1. Agriculture Security Area – Resolution 2024-07

A motion was made by Vice Chairman Line to adopt Resolution 2024-07, but the motion died for a lack of a second.

Supervisor DeGaetano said she could not second the motion at this time in good conscience and asked for it to be tabled and to set up a meeting with the applicant. She does not want to put aside the concerns and petitions received. Sit with them and learn more. She can't say yes without that.

Public Works Director Kelso said when he spoke to Mr. Wilson, he said he attended the Planning Commission meeting and stated he spreads no FPRs and didn't feel he needed to come this evening to say the same thing, plus he worked tonight.

Vice Chairman Line said he agrees FPRs are not good. They just want to get to the preservation part. He is okay with tabling to allow time to talk with Mr. Wilson and to find out about the partners. He has total trust in them, and when you look them in the eye and shake hands, he believes this is good intention gone bad in this situation.

Chairman Kole agreed that what vice Chairman Line said is spot on. It is unfortunate we are talking about this. We want farming. It is a good plan. Knowing people are sighting health concerns and what they are seeing there, he doesn't believe he can pass this tonight. According to the 180 days, we have until September. We have the obligation to explore. If there is no intention of spreading then there could be some agreement on the deed of not spreading FPRs in perpetuity and the residents would be satisfied with that.

A motion was made by Chairman Kole, and seconded by Supervisor DeGaetano and passed unanimously to table Resolution 2024-07 and to set up a meeting with the applicant to sign an agreement and to see if it is enforceable. The Solicitor was directed to contact the applicant to set up a meeting and to see if they would be willing to sign an agreement. Vice Chairman Line expressed that if a signed agreement is a requirement of the approval of the agriculture security request, they could possible sue the Township.

MANAGER'S REPORT Nothing to report

Supervisor DeGaetano mentioned the legislators didn't get the FPR legislation approved and they are out of session for the summer so the Coalition is trying to move forward. Marty Williams mentioned a report has never been provided on the Coalition's progress. Chairman Kole said it falls under legal matters and was discussed in the executive session.

ASSISTANT MANAGER'S REPORT Nothing additional to report

TREASURER'S REPORT Nothing additional to report

ZONING OFFICER'S REPORT Nothing additional to report

PUBLIC WORKS

Public Works Director Kelso mentioned the pre-bid meeting for the trash bids was held, with several questions raised and answered. Seven people have the bid packets and there are at least four legit bidders.

The Peach Glen road construction project started today and will be a mess for a little. The intersection was raised at least 2 feet today for visibility.

ENGINEER'S REPORT Nothing to report

SOLICITOR'S REPORT Nothing to report

SUPERVISOR'S REPORT Nothing to report

OLD BUSINESS None anticipated due to workshop nature

1. Food Processing Residuals (FPRs) and Biosolids Update - Supervisor DeGaetano stated legislation was introduced, but there is not a lot of support. The Coalition is meeting with key individuals and raising awareness. It is very important for us to continue to work with other Townships and the County as a joint effort. State Representative Torren Ecker is willing to come meet with us, probably in the fall. Marty Williams questioned if there is a citizens group to join and the response was not in this area, but she was welcome to start one. Ms. Williams questioned the goals objectives and guidelines for the Coalition and Supervisor DeGaetano said the Coalition is different, and they are like lobbyists for the cause and it has to do with educating the legislators and groups on what FPR is. Chairman Kole said the Coalition's goal is to solve the problem and the concerns that people have raised.
2. Future of Barnitz Mill Discussion - Chairman Kole has asked for a plan to review from the Friends of Barnitz, who have been actively working and meeting and doing a tremendous job.
3. RFP Interim Manager / Consultant – The Board directed staff to work on a schedule to set up a meeting with the Supervisors and potential companies who provide the service so the RFP and scope of service can be discussed.

ADJOURNMENT

A motion was made by Vice Chairman Line and seconded by Supervisor DeGaetano and passed unanimously to adjourn at 7:40 PM.

Respectfully submitted,



Marjorie E. Bear
Asst Manager/Secretary/Treasurer

