

MINUTES

SOUTH MIDDLETON TOWNSHIP 520 PARK DRIVE BOILING SPRINGS, PA. 17007

February 9, 2023

PRESENT: RICK REIGHARD, SHELLY CAPOZZI, BRYAN GEMBUSIA (absent), RON HAMILTON, DUFF MANWEILER – SUPERVISORS, Cory Adams – Manager, Jarrett Sweeney – Assistant Manager, Tim Duerr – Community Development Director, Brian O’Neill – Engineer, Ali Wood – Recording Secretary, Bryan Salzmann – Solicitor, Kurt Williams – Acting Solicitor, John Benoit, John Snyder, Carol Shetter, Ian Stamy, Harry Berger, Joe Stein (Warehaus), Andy Dapkins, Elliot Shibley, and Mike McKay

The meeting was called to order at 6:01 p.m. by Chairman Reighard.

PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Chairman Reighard.

MOMENT OF SILENCE:

A moment of silence was observed.

OPENING ANNOUNCEMENTS:

Chairman Reighard announced that the meeting is recorded and to turn off cellular phones. He also added that there was an executive session from 5:00-6:00 p.m. to discuss litigation and real estate.

MINUTES: 1/19/23 (Regular Meeting):

Shelly made a motion to approve the minutes. Duff seconded, and the vote in favor was 4-0.

ORDINANCE #2023-02 (ZONING ORDINANCE UPDATE) – Public Hearing

The hearing was opened. Tim explained that this Ordinance amends Ordinance 03 of 2007 (The South Middleton Township Zoning Ordinance) originally enacted on January 2, 1970 and most recently on May 10, 2007. It essentially readopts the whole Ordinance, but it is mostly just amendments. Tim explained that specific amendments include but are not limited to:

- Addition/revision/removal of various definitions
- Revisions to create consistency of terms
- Allowing wireless telephone communication facilities, small cell towers, and antennas as required by State Law
- Adding Boiling Springs Historical Resources Inventory to structures that fall under historic building demolition requirements
- Adding shared parking/parking study options to off-street parking regulations
- Adding short term lodging as a use regulated by zoning as well as requirements therefore
- Replaced specific building code citations in Ordinance with “Uniform Construction Code”
- Replacing term mobile home with manufactured home
- Adding schools as permitted uses in the Commercial General Zoning District

- Adding hospitals as a permitted use and wind energy facilities as a conditional use in the Industrial Light Zoning District
- Replaced the term garden apartments with apartment building
- Replaced rowhouse/townhouse with single family attached dwelling

Ron made a motion to approve Ordinance #2023-02. Shelly seconded, and the vote in favor was 4-0. The hearing was closed.

#20220026 – SAINT PATRICK CATHOLIC CHURCH – Conditional Use Public Hearing

The hearing was opened. A court stenographer was present and the transcript will be the official record. The hearing was closed. There was no public comment. Duff made a motion to approve the plan, subject to conditions and staff comments. Ron seconded, and the vote in favor was 4-0.

#20210011 – ZENITH APARTMENTS – Preliminary/Final Subdivision & Land Development Plan

Elliot Shibley, from Integrated Consulting, was here to discuss the plan. The applicant is requesting a land development plan approval to construct 21 apartment buildings containing 250 apartment units. The project is part of a master plan approved by Conditional Use Decision. The property is located off of South Spring Garden Street, Carlisle (SC District). Mr. Shibley added that this is lot 7 of the overall Smith Farm Subdivision Plan. Kurt W. stated that late that afternoon, he was contacted by his partner, Isaac Wakefield, who represents the Municipal Authority. He does not have all the information at the time, but it seems as though Mr. Shaool was questioning the connections to the water line on South Spring Garden Street. The discrepancy seemed to be in regards to who will be paying for the laterals from the main water line. Mr. Shibley stated that he was unaware of any issues and could not comment at this time. Rick asked if that was part of the developer's agreement? Kurt W. explained that it was part of the agreement that the developer would pay for the work, but now there seems to be some question on the laterals. Kurt W. recommended that the plan be tabled in order to gather more information and work out the discrepancies.

Modifications:

- Section 501 – preliminary plan
- Section 711 b. (2) (h) – maintain/replace existing trees
- Section 1010 J. – minimum channel slope on pervious surface (1% instead of 2%)

Per the recommendation of the acting solicitor, the Board opted to table the plan. Tim noted that time expires on March 27th, so we will need to watch as we get closer if we need to request an extension.

#20220025 – CAMBRIA PLACE – Preliminary/Final Subdivision Plan

Joe Stein, from Warehaus, was in attendance to represent Wellspan and discuss the plan. The applicant proposes to subdivide the existing parcel into 4 new lots. No construction is proposed with this plan. The property is located at 1201 Walnut Bottom Road, Carlisle (TC District). Mr. Stein added that they have added some recommended notes to the plan specific to the sidewalks. Rick asked if the plan assumes demolition of the existing building. Mr. Stein replied that this plan does not but the overall land development plan will. Ron advised Mr. Stein to keep himself and PSP updated because they have been using the building for training. Shelly asked if staff was okay with the waivers. Tim replied yes and added that it is just a simple subdivision to create the lots and it also separates the commercial from the residential.

Modifications from Zoning Ordinance:

- Section 1503-3(b) – building density & dimensional standards (transect 4)
- Section 1503-4(b) – building density & dimensional standards (transect 5)

Modifications:

- Section 305 (b.) – submission of a preliminary plan
- Section 707 – sidewalks
- Section 708 – curbs & gutters

Shelly made a motion to approve the modifications from the Zoning Ordinance, the modifications of requirements and plan #20220025, subject to staff comments. Duff seconded, and the vote in favor was 4-0.

PUBLIC INPUT:

Ian Stamy, representing Stamy Farms, had questions and concerns about the Boiling Springs pedestrian and safety improvements project. He explained that he regularly travels through the area in large farm equipment; his main concern is that the bump outs and rumored roundabout will not allow for such equipment to travel through the area. Brian O. stated that the first phase of work does narrow the road, but does not include a roundabout. He added that the road will not be less than 24 feet wide (2 – 12 foot lanes). Duff explained that the reason this work is being completed is because the State would not allow for the speed limit to be reduced, so we had to get creative with ways to slow down traffic. After a brief discussion, Rick and Duff thanked Mr. Stamy for bringing his concern to the Board and suggested that he set up a meeting with Brian O. to discuss some possible options that work for everyone. Bryan S. recommended to meet in the near future because in order to utilize grant money, work is scheduled to begin this year.

SOLICITOR REPORT:

There was no solicitor report.

ENGINEER REPORT:

Brian explained an easement that the Township is obtaining from Teresa Diez and Charles Arrington at 404 West First Street. The parcel is just east of Spring Meadows Park, across from Woodburn Drive. Currently, residents utilize the Carbine Easement/Trail as a way to get to Spring Meadows Park. When they do, they sometimes “cut across” the Diez/Arrington property. The Township approached the owners about obtaining an easement to construct a trail along the property. In addition, a cross walk and signage would be installed to improve the safety of the pedestrians crossing First Street.

Duff made a motion to approve the easement agreement with Teresa Diez and Charles Arrington at 404 West First Street. Ron seconded, and the vote in favor was 4-0.

As part of the First Street improvements, the Township needs to obtain around 16 temporary construction easements. Brian noted that these are temporary, and it’s just the area surrounding where the work will take place. He also added that if anything is disturbed, it will be returned to the condition it was prior to construction. All easement agreements were sent via letter in January; as of now we have obtained signatures for 3.

Shelly made a motion to approve the temporary construction easements for Linda Martin, Rickert Boiling Springs Holdings LLC, and Keith Smith & Beth Gingrich-Smith. Duff seconded, and the vote in favor was 4-0.

Brian explained that we hired WBCM to design and permit the replacement of the bridge on Pine School Road. The original contract did not have construction services included, but now that we are into the bidding and construction stages, there will be questions and coordination that needs to take place. For that reason, we requested an amendment to the contract so WBCM can provide services on an as-needed basis, not to exceed \$5,000.

Ron made a motion to approve the amended contract with WBCM for the Pine School Road Bridge Replacement on a time basis for construction services, not to exceed \$5,000. Shelly seconded, and the vote in favor was 4-0.

Lastly, Brian provided the Board with some miscellaneous project updates; if anyone had any questions, he would be happy to answer them.

COMMUNITY DEVELOPMENT REPORT:

Time extensions have been granted for the following plans:

- Boiling Springs Deli #20220014 – April 28, 2023
- Garden Apartments #20220028 – March 30, 2023

Duff made a motion to accept the time extensions for Boiling Springs Deli #20220014 and Garden Apartments #20220028. Ron seconded, and the vote in favor was 4-0.

Tim explained that Cumberland County Public Safety is proposing to construct a radio communication tower and shelter compound for Cumberland County's new P25 public safety radio system at 233 Mill Street. The improvement project also includes an extension of the monopole tower in Spring Meadows Park. The project requires conditional use approval and building/zoning permit approvals. The applicant is requesting a waiver of all municipal fees for both locations.

Shelly made a motion to approve the waiver of all municipal fees associated with both sites. Duff seconded, and the vote in favor was 4-0.

Rick asked what the final height of the towers will be and what the height requirement is for a flashing light to be added. Tim replied that the flashing light limit is 200 feet; which both towers will be under. He added that he is not sure off hand of the tower height in the park, but the one on Mill Street will be 195 feet. Rick suggested that we require a flashing red light due to the close proximity of the airport. Ron assured that he will check with the County.

MANAGER REPORT:

Cory explained that chapter 7-A of Act 44 of 2009 requires that all parties to a service contract with a municipal pension fund submit an annual disclosure to their public sector clients. The disclosure form provides certain information in regard to any financial relationships that may exist between the entities and the elected and appointed officials of the municipality to determine if a conflict of interest might be present. Resolution #2023-06 officially formalizes that the Township will adhere to the provisions of Act 44.

Ron made a motion to approve Resolution #2023-06. Shelly seconded, and the vote in favor was 4-0.

The Township received a request from the Foundry Day Committee to close and “no park” certain streets in Boiling Springs for Foundry Day festivities on June 3, 2023. The committee is requesting that Front Street (from 1st Street to Race Street), 2nd Street (from Front Street to Walnut Street), and 3rd Street (from Front Street to High Street) be closed from midnight to 6 p.m. on June 3rd. The committee is also requesting that the Township approve the placement of a banner announcing the event, to be hung above 1st Street. Cory added that per PennDOT regulations, our permission must be in resolution form.

Duff made a motion to approve the above street closures. Ron seconded, and the vote in favor was 4-0.

Shelly made a motion to approve Resolution #2023-07. Duff seconded, and the vote in favor was 4-0.

The Township also received a request from the South Middleton School District for a demolition fee waiver for the property they own at 16 Forge Road. Ron added that he spoke to a school employee about allowing the fire department to use the building for training before demolition.

Ron made a motion to approve the requested fee waiver. Shelly seconded, and the vote in favor was 4-0.

PUBLIC INPUT:

There was no public input.

SUPERVISORS DISCUSSION:

Shelly provided some school district updates. She explained that administration has met with the Pennsylvania State Police and are working on a plan to reroute the morning student drop off from Springville Road to alleviate backups. The school district also approved a \$7.5 million upgrade to the Yellow Breeches Middle School; that work will begin this summer. They also started preliminary evaluations on the high school pool for upgrades.

BILLS FOR PAYMENT:

Duff made a motion to pay the bills. Ron seconded, and the vote in favor was 4-0.

ADJOURNMENT:

Shelly made a motion to adjourn the meeting at 6:52 p.m. Duff seconded, and the vote in favor was 4-0.

WITNESS:

Ali Wood

Ali M. Wood, Recording Secretary

**SOUTH MIDDLETON TOWNSHIP
BOARD OF SUPERVISORS:**

Walter G. Reighard

Walter G. Reighard, Chairman

Absent

Shelly L. Capozzi, Vice Chairperson

Bryan A. Gembusia

Bryan A. Gembusia, Member

R. Duff Manweiler

R. Duff Manweiler, Member

Ronald P. Hamilton

Ronald P. Hamilton, Member