

MINUTES

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

February 23, 2023

PRESENT: RICK REIGHARD, SHELLY CAPOZZI (absent), BRYAN GEMBUSIA, 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, Carol Shetter, John Snyder, Rick Longenecker, Janet Longenecker, John Benoit, Tim Yingst, Matt Steinman, Keith Hodge, Vincent Champion, Dave Walker, Hubert Gilroy, Amanda McKenna, Rachel Andreoli, Linnea Charles, Elliot Shibley, and Steven Rose

The meeting was called to order at 6:00 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 an executive session was held from 5:00-6:00 p.m. to discuss litigation and real estate.

MINUTES: 2/9/23 (Regular Meeting):

Bryan G. made a motion to approve the minutes. Ron seconded, and the vote in favor was 4-0.

PUBLIC INPUT:

There was no public input.

#20220030 – DICKINSON COLLEGE – 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 all staff comments and conditions as discussed. Bryan G. 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 explained that since the last meeting, multiple conversations have occurred in regards to the water line improvements and he believes that the issues have been resolved. Rick asked if all parties felt the issues were resolved. Bryan S. explained that the following conditions were worked out:

- The plan must be approved by SMTMA.
- A 3-party Developer's Agreement agreeable to all parties (the developer, the Township and Authority), must be executed prior to plan approval by SMTMA, the form and substance of such Agreement to be approved by the Township and Authority solicitors.
- The new Developer's Agreement shall be consistent with the Developer's Agreement dated June 13, 2022, as modified by the Addendum to Developer's Agreement dated October 10, 2022.
- New Developer's Agreement to be consistent with E-mail correspondence from Developer's counsel dated February 22, 2023 as set forth below.
 - Bryan S. summarized that this is an email from Jack Sharpe to Kurt Williams, that states his client understands and agrees that Smith Farm is obligated to build and has bonded the water main (12") offsite as shown on the plans. Bryan S. added that the plan is clarified by excerpts from the Smith Farm Subdivision Plan recorded at 202230054.
- Township's and Authority's standard letter of credit or cash escrows shall be used to secure all public improvements where the posting of financial security is required by Developer.
- Township and Authority's standard terms and conditions of approval shall also be imposed.
- Proposed condition of plan approval for Zenith Apartments shall address all conditions, comments and post-approval items set forth in Tim Duerr's memorandum dated January 13, 2023.

Mr. Shibley agreed to all conditions.

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%)

Bryan G. made a motion to approve the modifications of requirements subject to conditions and comments as discussed. Ron seconded, and the vote in favor was 4-0.

Bryan G. made a motion to approve plan #20210011 – Zenith Apartments Preliminary/Final Subdivision & Land Development Plan, subject to conditions and comments as discussed. Ron seconded, and the vote in favor was 4-0.

#20220026 – SAINT PATRICK CATHOLIC CHURCH – Conditional Use Decision

Tim explained that the draft decision for Saint Patrick Catholic Church Conditional Use was provided for the Board's review. If there are no questions or concerns, the decision is ready for approval/signatures. He added that this has to be completed before the land development plan can be approved.

Bryan G. made a motion to approve the conditional use decision. Ron seconded, and the vote in favor was 4-0.

#20220027 – SAINT PATRICK CATHOLIC CHURCH – Preliminary/Final Land Development Plan

John Snyder, SLD Planning & Consulting, was in attendance to discuss the plan. The applicant proposes to build a 14,300 square foot STEAM (Science, Technology, Engineering, Arts and Music) addition to the existing school. This plan proposes to demolish the existing building at the rear of the property and to move the existing driveway access. The property is located at 87 Marsh Drive, Carlisle (AC District).

Modifications:

- Section 503 – Submission of a preliminary plan
- Section 707 – Sidewalks
- Section 708 – Curbs and gutters

Bryan G. made a motion to approve the modifications of requirements subject to post approval items and staff comments. Ron seconded, and the vote in favor was 4-0.

Bryan G. made a motion to approve plan #20220027 - Saint Patrick Catholic Church Preliminary/Final Land Development Plan, subject to post approval items and staff comments. Ron seconded, and the vote in favor was 4-0.

EMERGENCY SERVICES REPORT:

The report was accepted as submitted.

RECREATION REPORT:

The report was accepted as submitted. Rick stated that he likes the facade of the community center. Duff added that the Recreation Board is beginning to discuss possible names for the center; but understand that the Board of Supervisors will have the final decision.

PUBLIC WORKS/ROAD REPORT:

The report was accepted as submitted. Rick commented about the truck concern and asked if there was any discussion on new signage. Brian O. replied that they have considered signs that say all truck traffic a certain way. Rick also asked Ron to follow up with the State Police.

SOLICITOR REPORT:

There was no solicitor report.

ENGINEER REPORT:

Brian O. explained that 4 more temporary construction easements had been signed for the First Street Improvements Project and were awaiting approval by the Board. He also provided an updated list of which easements are still pending. Duff added that he had sent a letter to 101 W. First Street, in regards to this matter.

Bryan G. made a motion to approve the temporary construction easements for Farmer's and Market Trust, Linda Martin, Turtle Investments, and John Pohl.

Brian O. also explained that the Township can eliminate the need for the easement at the corner of First Street and Hilltop Road, if we accept the dedicated right-of-way from the prior subdivision plan. This can be done via Resolution #2023-08.

Bryan G. made a motion to approve Resolution #2023-08, accepting dedicated right-of-way on Hilltop Road, First Street, and Ridge Road. Ron seconded, and the vote in favor was 4-0.

COMMUNITY DEVELOPMENT REPORT:

Time extensions have been granted for the following plans:

- Georgetowne Preliminary Subdivision & Land Development #20200021 – June 14, 2023
- Karns Preliminary/Final Land Development #20210008 – May 29, 2023
- Towneplace Suites Preliminary/Final Land Development #20220020 – September 29, 2023

Bryan G. made a motion to accept the time extensions. Ron seconded, and the vote in favor was 4-0.

MANAGER REPORT:

Cory explained that in early 2022, the Township acquired the property at 4 East First Street, previously known as the ATC Building. The purpose of the purchase was twofold: (1) acquire a highly-desirable and popular public space in the village and (2) acquire additional office space for our Parks & Recreation programming (including serving as a welcome center) in the historic cottage on site. The Township's intention was to renovate the cottage to accommodate the needed office space, as well as to expand offerings to the hiking community, such as installing bathrooms and showers. Prior to work taking place, the Township undertook a structural engineering analysis of the building which showed that the building was significantly structurally deficient. Under our Building Codes, because of the extent and nature of the deterioration, the structure had to be condemned. The Township condemned it as discretely as possible, by securing the structure, posting notification, removing seating, and turning off utilities. There are also a number of stakeholders who must be kept continuously informed; so we continue to update the ATC, National Park Service, and State Historical Preservation Office. We have also informed community groups such as the Civic Association, Foundry Day, and more. Moving forward, the Township plans to apply for historic planning grants to begin the design work that will eventually support restoration of the structure. The Township will also install a water pump, away from the structure, that will service ATC hikers; and install a new electric source from the utility pole on-site to hopefully provide electricity for community events. Cory added that because the property is part of the Boiling Springs Historic District, as well as on the ATC Trail Corridor, there are a number of stringent land covenants and building restrictions attached to the property; meaning any work that the Township may undergo, requires a lengthy review process at both the State and Federal levels.

Resolution #2023-09 will allow the Township to apply for a PA Historical & Museum Commission (PHMC) Keystone Historic Preservation Grant to develop a planning study for adaptive reuse of the structure at 4 East 1st Street (former ATC Office).

Bryan G. made a motion to approve Resolution #2023-09. Ron seconded, and the vote in favor was 4-0.

Bryan G. made a motion to approve the updated job descriptions for Accounts Receivable Clerk and Accounts Payable Clerk. Ron seconded, and the vote in favor was 4-0.

Bryan G. made a motion to appoint Ali Wood as Accounts Payable Clerk and Laci Graham as Accounts Receivable Clerk. Ron seconded, and the vote in favor was 4-0.

Cory stated that we received a request from the Letort Regional Authority (LRA) as they are applying for reincorporation. Under the PA Municipal Authorities Act, authorities are only in existence for 50 years; and then they need to be reincorporated. The LRA's term is up next year. He explained that the LRA oversees the quality of the Letort Spring Run, maintains the Letort Nature Trail, and provides planning advice for land development plans that occur within the Letort watershed. They also played a vital part in getting the recently completed trail extension at South Spring Garden Street, which the Township plans to extend further towards Boiling Springs in the future. He added that they already have resolutions approved from all other partners.

Bryan G. made a motion to approve Resolution #2023-10, for the LRA reincorporation. Ron seconded, and the vote in favor was 4-0.

Bryan G. made a motion to amend the agenda to discuss reserve fund transfers. Ron seconded, and the vote in favor was 4-0.

Cory explained that staff is seeking approval to transfer \$440,000 from the capital reserve investments to the general fund investments; and later to the general fund checking account. He added that the transfers will be replenished from the general fund investments as the securities mature. Bryan G. summarized that the Township is moving money around in some of our bank accounts so that we do not have to cash CDs and loose investment quality.

Bryan G. made a motion to allow the fund transfers. Ron seconded, and the vote in favor was 4-0.

Cory also requested an executive session afterward to discuss possible litigation.

PUBLIC INPUT:

Dean Otto, Chestnut Drive, expressed concerns with roads in Boiling Springs. He stated that speed limits are too high for certain roads and even the ones posted are rarely followed. He also added that he was almost hit at Hope Drive and offered some suggestions to improve safety. Rick replied that the Township does have a list of roads that they are hoping to improve. Ron added that requests for speed limit reduction on Forge Road have been submitted to PennDOT multiple times, however it continues to be denied. Rick stated that they can look into asking again though. Mr. Otto also had some questions on the land behind Indian Hills; after a brief discussion, Tim suggested that Mr. Otto call him during business hours so that he can look into it.

SUPERVISORS DISCUSSION:

There was no supervisor's discussion.

BILLS FOR PAYMENT:

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

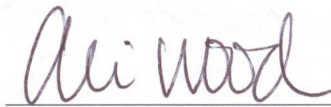
ADJOURNMENT:

Bryan G. made a motion to adjourn to executive session at 7:21 p.m. Ron seconded, and the vote in favor was 4-0.

Regular session reconvened at 7:38 p.m.

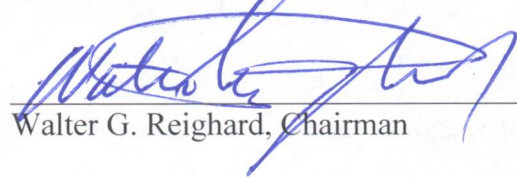
Bryan G. made a motion to adjourn the meeting at 7:39 p.m. Ron seconded, and the vote in favor was 4-0.

WITNESS:

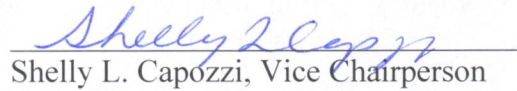


Ali M. Wood, Recording Secretary

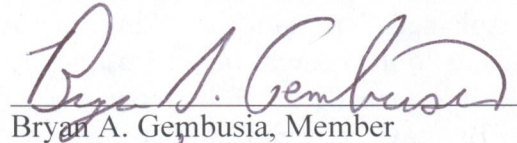
**SOUTH MIDDLETON TOWNSHIP
BOARD OF SUPERVISORS:**



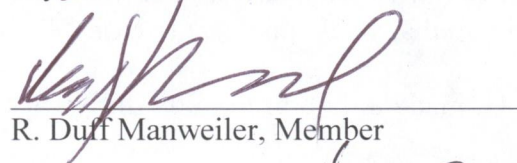
Walter G. Reighard, Chairman



Shelly L. Capozzi, Vice Chairperson



Bryan A. Gembusia, Member



R. Duff Manweiler, Member



Ronald P. Hamilton, Member