

**Minutes  
Workshop Meeting  
Hummelstown Borough Council  
Thursday, September 8, 2022  
7:00 PM**

The Thursday, September 8, 2022, workshop meeting of the Hummelstown Borough Council was called to order by President Brian Foster at 7:02 PM. Members in attendance included Randy Lutz, Chad Lister, Chris Black, Robert Weber, and Kelly Williamson. Also in attendance were Theresa Eberly, Borough Manager, and Finance Director Erika Brown.

**Presentations**

Brian Marchuck, Brown Schultz Sheridan & Fritz, provided and gave a review on the 2021 Finance Audit for the Borough of Hummelstown.

**Citizens Hearings**

Gail Culp inquired where the 2003 Survey Sheet of the Historical overlay may be found. Chad Lister responded that he had spoken to **Josie Dowling**, Office Manager, down at the Historical Society who also inquired about it and that he is not aware of where those overlay surveys may be located since this was not cataloged.

**Administration**

**1. Erica Wible, McNees on DCIB Loan: Ordinance 2022-5 for the Issuance of a General Obligation Note, Series of 2022, and Loan Agreement**

Erica Wible presented Derik Moore from PFM who gave an overview on the DCIB Loan agreement and the 1.74% interest rate the Borough will be paying on the \$1,585,000 loan.

**A. Ordinance 2022-5**

- i. Discussion on authorizing and direct issuance of a non-electoral debt through the issuance of a General Obligation Note, Series 2022, in the Principal amount of \$1,585,000.
- ii. Motion to Approve adding Ordinance 2022-5 to the September 15<sup>th</sup> Regular Meeting was moved by Bob Weber, seconded by Chris Black and carried.

**B. Loan Agreement with Dauphin County**

- i. Discussion on the loan agreement between Dauphin County and The Borough of Hummelstown concerning terms and conditions of DCIB loan.
- ii. Motion to Approve adding the terms and conditions of the Loan Agreement to the September 15<sup>th</sup> Regular Meeting was moved by Bob Weber, seconded by Chris Black and carried.

**2. Conditional Use 2022-CU-3: Demolition Permit from Talisman 7 Ventures, LLC** – President Brian Foster announced that Chris Black and Dee VanGavree recused themselves and had no involvement in any statements or comments. Chad Lister then proceeded in giving a statement regarding the Conditional USE 2022-CU-3 (see exhibit A). Solicitor Mike Miller provided further recommendation based on the legal aspect of this conditional use and all legal documents gathered and provided by both parties.

- a. Discussion on the Demolition Permit for structure located at 33 N. Hanover Street
- b. Motion to approve Conditional Use 2022-CU-3: Demolition Permit from Talisman 7 Ventures, LLC was moved by Bob Weber, seconded by Chad Lister and Approved by Brian Foster, Bob Weber, Chad Lister, Kelly Williamson and Randy Lutz.

**3. Resolution 2022-R-11: Strategic Management Planning Program** – Theresa Eberly explained that DCED needs a resolution approved before they complete the award. This step is simply ratifying an administrative measure in order to continue the application process

- a. Motion to Ratify Resolution 2022-R-11, allocating \$20,100 for the Strategic Management Planning Program was motioned by Kelly Williamson and seconded by Bob Weber and passed.

**4. Swatara Township Authority- Resolution R-2022-12: First Amendment to the 2015 IMA** – Theresa Eberly discussed how this amended agreement emulates the amendments requested and discussed. It also demonstrates the percentage the Borough is responsible for. Swatara Township Authority did not agree on some conditions provided months ago but allowed for a delayed payment. They also suggested meeting again at a later date, as done so previously, to discuss their operations and any concerns.

- a. Discussion of the First Amendment to the 2015 IMA with STA for the dryer replacement
- b. Motion to Approve adding Resolution R- 2022-12 to the September 15<sup>th</sup> Regular Meeting moved by Bob Weber, seconded by Chad Lister and motion carried.

#### **Other Business**

-Dave Willard, Director of Public Works, provided updates on what has been accomplished throughout the Borough – 5 Storm Boxes were repaired, drain boxes were installed, sink hole was repaired, West End Ball Field repairs were done, Leaf picker arrived, inspected storm water boxes.

Executive Session

#### **Executive Session**

There was an executive session

#### **Adjourn**

8:48 pm

Respectively submitted

Erika Brown, Finance Director

## **CONDITIONAL USE 2022-CU-3**

### **Statement by Chad Lister**

The Hummelstown Borough has been presented with an application by Talisman 7 Ventures, LLC for the demolition of the structure at 33 N. Hanover Street. There is one question Hummelstown Borough Council has the authority to decide. That question is whether the structure at 33 N. Hanover Street a historic building. The Conditional Use application must be decided on or within 45 days of the Conditional Use Hearing. The Conditional Use Hearing was held on Thursday August 18, 2022. This means the latest the Borough can decide is at the September 15<sup>th</sup> meeting, since the 45 days expires before the October Borough Council meeting. The process and rules for the hearing are outlined in Chapter 27 of the Hummelstown Borough Code. At the meeting on August 18, 2022, Council exercised its right to delay making a decision to further investigate concerns regarding pending and past litigation.

To determine if the structure at 33 N. Hanover Street is historically significant Council must use the criteria outlined in Chapter 27-1416. There are four points for review in Chapter 27-1416 Section 4. If one or more of those four points are not met, the building in question legally can be demolished by the property owner upon obtaining a permit and paying a fee. Council has determined through research and independent advice from the Hummelstown Area Historical Society that the structure at 33 N. Hanover Street does not meet the criteria established to be historically significant. The structure at 33 N. Hanover Street “has no historical or architectural significance and the demolition will not adversely impact upon the streetscape.”

Council recognizes that Maritza’s House of Style has a significant amount of heart and benefits the community through charitable giving. Additionally, the loyal clients patronize businesses in Hummelstown, bringing an economic benefit. These sentiments were clearly stated at the hearing on August 18, 2022. However, evidence was not presented on the historical significance of the property.

Council also heard on August 18, 2022 about pending and past litigation. Upon our examination of Dauphin County Court records, civil and criminal, Council has found no pending litigation against Talisman 7 Ventures LLC. Council has found pending cases between Georgia and Larry Koons and Maritza DeJesus Patterson. The Dauphin County Court of Common Pleas established that the property at 33 N. Hanover Street is owned by Talisman 7 Ventures LLC. An appeal was sent to the Pennsylvania Superior Court by Maritza DeJesus Patterson but was declined.

The pending litigation between the Larry and Georgia Koons and Maritza Dejesus Patterson is not establishing the ownership of the building.

If Council does not decide the property is historically significant or not historically significant within 45 days of the hearing the Borough of Hummelstown the Conditional Use will be “deemed approved”. With independent evidence from the Hummelstown Area Historical Society and Council’s own research the building fails to meet the standards set forth in Chapter 27 of the Borough’s Zoning Ordinance.

Council echoes the sentiments of many citizens at the meeting and encourage a compromise between all parties involved. We greatly appreciate the response from the community and hope to see you at future meetings.