

MINUTES

BOARD OF SUPERVISORS REGULAR SESSION

APRIL 22, 2009
6:30 PM

The Silver Spring Township Board of Supervisors met in a regular session on Wednesday, April 22, 2009 at the Township Building, 6475 Carlisle Pike, Mechanicsburg, Pennsylvania.

Chairman LeBlanc called the meeting to order at 6:30 pm and the Pledge of Allegiance to the Flag was given.

Supervisors present: Chairman Jan LeBlanc, Vice-Chairman Mary Lou Pierce-McLain, Supervisor Vince DiFilippo, Supervisor Jackie Eakin, and Supervisor Nancy Konhaus Griffie.

Staff members present: Mr. William S. Cook, Township Manager; Ms. Terri A. Martini, Assistant Township Manager; Mr. Steve A. Stine, Esquire, Township Solicitor; Mr. Bony R. Dawood, PE, Township Engineer; Mr. Leroy L. Hippensteel, Sergeant; Mr. James E. Hall, Zoning Officer; and Ms. Kathy K. Kramer, Assistant Secretary.

Others present:

Wayne Stevenson
Lionel Spenard
Karl Miller
Quin Hock
Nancy Shoaff
Dave Weihbrecht

J. Funkhouser
G. Diener
C. J. Bouchat
Larry Lawyer
Kathi Pifer
Robert Walker

PETITIONS AND COMMENTS

Prior to taking comments from meeting attendees, Chairman LeBlanc made the following statement regarding comments made at the Meet the Candidates event on April 14, 2009: "I inadvertently made a comment regarding past issues with Rich Valley Golf Course and I am well aware, as I was that evening, that we have a settlement agreement in place and I really had no intent to breach that agreement. So I do apologize for that oversight. On that same evening, there was also another comment that was reported in the paper that there was a 77% real estate tax increase that was due to that settlement. That is absolutely inaccurate. When we had that tax increase it was tied to the fire company giving both fire companies a fire tax, it was tied to expanding our police force, it was tied to changing our traffic lights into LED and it was to fund future transformation of our street lights into LED. So I just wanted to set the record straight".

Mr. Lionel Spenard, a Township resident, questioned several sections of Ordinance No. 7 of 2009, Onlot Management Program. In response, Mr. Bill Cook gave a detailed summary explaining the Septic Tank Pumping Maintenance Program.

Mr. Karl Miller, a Woods Drive resident, shared his concerns regarding trucks traveling on Woods Drive. Sergeant Hippensteel reported several dates and times that the Police had patrolled that area.

Mr. Clarence Bouchat requested that the Board of Supervisor and the Planning Commission minutes be added to the website. Mr. Cook advised that the Board of Supervisors minutes are available on the website and the Board agreed to add any other committee minutes once approved.

EXECUTIVE SESSION

Chairman LeBlanc announced that an Executive Session was held immediately prior to this meeting to discuss litigation matters.

PUBLIC HEARING

DELTA COMMERCE PARK
DEVELOPER LLC,
CU2009-1

Chairman LeBlanc turned the conduct of the public hearing for the Delta Commerce Park Developer LLC, Conditional Use, CU2009-1, over to the Township Solicitor, Mr. Steve Stine, at 7:02 pm.

The hearing was advertised in the West edition of The Patriot-News on Wednesday, April 8, 2009 and on Wednesday, April 15, 2009.

The hearing was declared closed 7:08 pm.

A copy of the transcript is made part of these minutes by reference.

APPROVAL OF MINUTES

APRIL 8, 2009

On a Pierce-McLain/Eakin motion, the Board of Supervisors approved the minutes from the meeting held on April 8, 2009.

The motion carried.

REPORTS

POLICE

Sergeant Hippensteel announced that on May 10, 2009 Officer Stambaugh will have successfully completed his probationary period. Chairman LeBlanc stated that this will be addressed later in the meeting.

ENGINEER

No additional report.

TREASURER REPORT

Ms. Kathy Kramer gave the Treasurer's report for the month of March, 2009 and by agreement the report was filed subject to audit.

EMERGENCY
MANAGEMENT
COUNCIL

Nothing additional.

RECREATION
ADVISORY COUNCIL

Nothing additional.

APPROVAL OF
EXPENDITURES

On a Pierce-McLain/Eakin motion, the Board approved the expenditures since March 25, 2009.

The motion carried.

OLD BUSINESS

None.

NEW BUSINESS

2001, 2004, & 2007
GENERAL OBLIGATION
BOND WIRE

On an Eakin/DiFilippo motion, the Board of Supervisors authorized the wires for the principal and interest payments to M & T Investment Group for the 2001 General Obligation Bond in the amount of \$112,200.00 the 2004 General Obligation Bond in the amount of \$332,581.25 and for the 2007 General Obligation Bond in the amount of \$539,991.26 for the May 1, 2009 payments.

The motion carried.

EMPLOYMENT STATUS –
OFFICER KEITH
STAMBAUGH

On an Eakin/Griffie motion, the Board of Supervisors converted Officer Keith Stambaugh to regular employment status as a full-time police officer, effective May 10, 2009, after successfully completing his probationary period and to adjust his salary to \$53,075.50 in accordance with the collective bargaining agreement.

The motion carried.

DELTA COMMERCE PARK
DEVELOPER LLC,
CU2009-1 – DECISION

On a DiFilippo/Pierce-McLain motion, the Board of Supervisors approved the Delta Commerce Park Developer LLC, conditional use application, CU2009-1, to replace the condition to install two (2) dry fire hydrants with the requirement to provide a permanent paved surface with backstops to allow fire truck access to the Conodoguinet Creek, subject to the Township Engineer's approval.

The motion carried.

AHMADIYYA MUSLIM
COMMUNITY – CU2009-2

On a Pierce-McLain/Eakin motion, the Board of Supervisors forwarded the Ahmadiyya Muslim Community Conditional Use Application, CU2009-2, to the Township's Planning Commission for its review and comment and set the public hearing date of May 27, 2009 for the Board's consideration of the request.

The motion carried.

NEW CUMBERLAND
FEDERAL CREDIT UNION,
LD2007-14F – RELEASE OF
LETTER OF CREDIT

On an Eakin/Pierce-McLain motion, the Board of Supervisors approved the release of the Letter of Credit conditioned on receipt of a maintenance guarantee in the amount of \$43,757.00.

The motion carried.

MUNICIPAL UTILITY
ALLIANCE ORDINANCE
NO. 9 OF 2009

Due to advertising requirements, consideration of the Municipal Utility Alliance Ordinance No. 9 of 2009 was deferred to the May 13, 2009 Workshop meeting.

DELTA POINTE
(FORMERLY SILVER
SPRING COMMERCE
PARK) – TRAFFIC SIGNAL
PERMIT

On a Pierce-McLain/Eakin motion, the Board of Supervisors approved the Delta Pointe (formerly Silver Spring Commerce Park) Traffic Signal Permit, subject to the Township Engineer's comments, and authorized forwarding the application and comments to PennDOT.

The motion carried.

ZONING HEARING
BOARD APPLICATIONS –
MAY

Kara Lewis / TNT Fireworks
Variance 2009-5
(Property located at 6520
Carlisle Pike (Wal-Mart Store)

It was noted that there was an inconsistency of the dates requested. The Board did not object to the applicant requesting a variance request to Section 211.2 Permitted Uses in the C-2 Community Commercial Zone. The applicant seeks approval to install a temporary tent on the Wal-Mart, Inc. property for the sale of fireworks from June 18, 2009 to July 5, 2009.

Gary C. Alfery
Special Exception 2009-1
(Property located at 7 Johns
Drive)

No opinion was expressed regarding the applicant seeking a Special Exception to Section 503.1.2.7 (Expansion or Alteration). The applicant seeks approval to expand an accessory shed which will exceed the 50% additional area of the structure and shall increase the existing dimensional nonconformities.

Nedeljko Gunjak
Variance 2009-6
(Property located at 228
Hogestown Road)

The Board was not in favor of the Nedeljko Gunjak variance to Section 302.1.5.6 (Outdoor Storage) in the R-1 Residential Zone. The applicant seeks approval to store commercial trucks on a residential lot less than an acre and apply the regulations for those lots containing one (1) or more acres.

Turkey Hill, LP
Variance 2009-7
(Property located at 6706
Carlisle Pike)

The Board had mixed comments on the applicant requesting a Variance to Section 313.3 (Specific Sign Requirements). The applicant seeks approval to exceed the Maximum Number of Signs Permitted and the Maximum Permitted Sign Area for flat wall signs.

Pennsylvania CVS Pharmacy,
LLC – Variance 2009-8
(Property located at 6706
Carlisle Pike)

The Board had mixed comments on the applicant requesting a Variance to Section 313.3 (Specific Sign Requirements). The applicant seeks approval to exceed the Maximum Number of Signs Permitted and the Maximum Permitted Sign Area for flat wall signs for Anchor Stores. In addition, the applicant is requesting a Variance to the Maximum Permitted Sign Area for directional signs.

LAND DEVELOPMENT
PLANS

NEW KINGSTOWN FIRE
COMPANY, LD2009-2F

On a DiFilippo/Pierce-McLain motion, the Board of Supervisors tabled action on the New Kingstown Fire Company, LD2009-2F, final land development plan and acknowledged an extension of time for plan review until May 31, 2009.

The motion carried.

PennDOT Highway Occupancy
Permit Letter of
Acknowledgement

On a Pierce-McLain/DiFilippo motion, the Board of Supervisors authorized that a Highway Occupancy Permit Letter of Acknowledgement be forwarded to PennDOT with the Township Review Engineer's comments for the New Kingstown Fire Company, land development plan, LD2009-2F.

The motion carried.

OTHER PERTINENT
BUSINESS

Supervisor Eakin discussed the potential for leasing space to Cumberland County for the District Justice and sewer Authority in the new administration building with the Board. By general consensus, the Board agreed to Supervisor Eakin to approaching Cumberland County and the Township Authority regarding the rental of space in the new building.

Supervisor Pierce-McLain questioned staff as to which Township park receives more vandalism. Staff believes that both Pleasant View and Stony Ridge Parks, since both of those parks have more facilities, sustain the most damage.

Supervisor DiFilippo questioned if there was an update regarding change in accounting procedures. Staff advised that a proposal for services will be sent to the Board to provide technical assistance for transitioning to a modified accrual system at the end of the year.

Supervisor Griffie inquired as to the status of the handicapped parking space for Butternut Lane. Mr. Cook advised that staff is investigating and the Board will receive a report in the near future. Supervisor Griffie asked if there were many responses from residents requesting to have the Township newsletter emailed to them. It was reported that very few requests were received. She also shared her concerns regarding the outdoor storage of Highway equipment. Staff is to report on this matter to the Board.

Mr. Jim Funkhouser commented about the loose dais microphone wires hanging down.

ADJOURNMENT

There being no further business or comments to come before the Board, the meeting was adjourned at 8:11 pm on a LeBlanc/Eakin motion.

The motion carried.

Recorder: _____
Kathy Kramer

APPROVED: _____
Chairman

Secretary