

AGENDA NOTES (REVISED)

**BOARD OF SUPERVISORS
REGULAR MEETING**

**JULY 28, 2010
6:30 PM**

THIS MEETING IS BEING RECORDED

As a courtesy to others in attendance, please turn off cellular phones and pagers during the meeting.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PETITIONS & COMMENTS

1. Announce that an Executive Session was held on Thursday, July 15, 2010 to discuss a personnel issue.
2. Any items that are not already on the agenda.

PUBLIC HEARINGS:

1. Eichelbergers, Inc. CU2010-3
Turn meeting over to the Solicitor for the public hearing.
To be continued on August 11, 2010.

REPORTS:

1. Police
2. Engineer
3. Treasurer
4. Emergency Management Council
5. Recreation Advisory Council

APPROVAL OF EXPENDITURES

Consideration of a motion to approve/disapprove the expenditures since June 23, 2010.

OLD BUSINESS

1. Foxwood
Update on status of the bond.

NEW BUSINESS

1. Stony Ridge Park Phase III – Approval for Bid
Consideration of a motion to approve the low bid and award the contract for Stony Ridge Phase III, to Handwerk Site Contractors from Hummelstown, in the amount of \$627,951.50.
2. Police Department – Personnel Matters
Consideration of a motion to eliminate the position of Corporal from the rank structure and move the Corporals to the position of Sergeant with no pay increase until 2011.

AGENDA NOTES (REVISED)

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3. Police Department – Amendment to Fleet Inventory
Consideration of a motion to approve/disapprove the new vehicle as an addition to the fleet instead of a replacement, and to equip the new vehicle as requested.
4. Westhafer Estates 2006-6F – Planning Exemption Request
Consideration of a motion to approve the sanitary sewer planning exemption.
5. Tracey Kennels LD2007-8F – Letter of Credit Reduction Request
Consideration of a motion to approve/disapprove a reduction in the Letter of Credit to the amount of \$8,149.00.
6. Retirement of 2004 Bonds
Consideration of a motion to approve/disapprove the retirement of the 2004 General Obligation Bonds.
7. On-lot Sewage Systems Amendment Ordinance No. 9 of 2010
Consideration of a motion to approve/disapprove Ordinance No. 9 of 2010 amending Section VIII. B, Maintenance, to allow more frequent pumping and Section XIV, Waiver Request to revise decision making process for waiver requests.
- * 8. Property Maintenance Code Ordinance No. 11 of 2010
Discussion.
9. Zoning Hearing Board Applications – August
 - a. KMG Signs, Inc. Variance 2010-8
(Property located at the Silver Spring Square Shopping Center for the Wells Fargo Bank Branch, (formerly Wachovia Bank Branch)

The applicant is requesting a Variance to Section 313.3 (Regulating Business/ Planned Center Signage for Sites Containing More Than 200,000 Square Feet of Gross Leasable Floor Area). It is the intent of the applicant, if granted approval, to exceed the maximum number of signs permitted and the maximum sign area permitted for a non-anchor store in this shopping center.

SUBDIVISION PLANS

1. Mechanicsburg Terminals Corporation 2010-5F Revised (8/11/10)
[Industrial property on 122.53 acres of land on Texaco Road, directly east of the existing Mechanicsburg Terminal. The subdivision consolidates two of three existing parcels.]
Consideration of a motion to approve the Mechanicsburg Terminals Corporation, final subdivision plan, 2010-5F, *with comments*.

OTHER PERTINENT BUSINESS

ADJOURNMENT

Public comments will be limited to ten (10 minutes) initially per individual. Resolution 97-4 adopted January 6, 1997.

* *Item revised*

MINUTES

BOARD OF SUPERVISORS REGULAR SESSION

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The Silver Spring Township Board of Supervisors met in a regular session on Wednesday, July 28, 2010 at the Township Building, 6475 Carlisle Pike, Mechanicsburg, Pennsylvania.

Chairman DiFilippo called the Board of Supervisors meeting to order at 6:30 pm.

Supervisors present: Chairman Vincent T. DiFilippo, Vice-Chairman Nancy Konhaus Griffie, Supervisor Mary Lou Pierce-McLain, Supervisor David R. Lenker II, and Supervisor Nathan T. Spade.

Staff members present: Ms. Terri A. Martini, Acting Township Manager; Mr. Richard E. Hammon, Superintendent of Police; Mr. Steve A. Stine, Esquire, Township Solicitor; Mr. Bony R. Dawood, PE, Township Engineer; Mr. Jeffrey R. Williams, Director of Parks and Recreation; and Ms. Kathy K. Kramer, Secretary.

Others present:

J. Funkhouser	James Greene
L. Spenard	Wayne Stevenson
J. L. Bruner	Creeden Sunday
Dolores Sunday	Jerry Rice
Steve Carten	Susan Fasquez
J. & G. Diener	Kirk Sunday
Joyce Booz	Rachel Manning
Jan LeBlanc	Dale Miller
Bob Seader	Mark Cummins
Ron Collins	

PETITIONS AND COMMENTS

Chairman DiFilippo announced that an Executive Session was held on Thursday, July 15, 2010 to discuss a personnel issue.

The Board of Supervisors presented Ms. Terri Martini with a flower arrangement for her dedication as Acting Township Manager.

Mr. Ron Collins, of 183 Woods Drive, shared his concerns on the high weeds and uncut grass in the Hamlet Square development. Staff advised that this matter was pending a court hearing and would notify Mr. Collins of that hearing date.

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PUBLIC HEARINGS

EICHELBERGERS, INC.
CU2010-3

Chairman DiFilippo turned the conduct of the public hearing for the Eichelbergers, Inc. conditional use application, CU2010-3, over to the Township Solicitor, Mr. Steve Stine, at 6:41 pm.

The hearing was advertised in The Sentinel on Wednesday, July 14, 2010 and on Wednesday, July 21, 2010.

The hearing will be continued on August 11, 2010 at 6:30 pm.

REPORTS

POLICE

No additional report.

ENGINEER

No additional report.

TREASURER REPORT

No report.

EMERGENCY
MANAGEMENT
COUNCIL

Nothing additional.

RECREATION
ADVISORY COUNCIL

Nothing additional.

Supervisor Pierce-McLain announced that the New Kingstown Fire Company Festival is scheduled for July 28 through July 31.

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APPROVAL OF
EXPENDITURES

On a Spade/Lenker motion, the Board of Supervisors approved the expenditures since June 23, 2010.

The motion carried.

OLD BUSINESS

FOXWOOD

Following discussion, on a Lenker/Pierce-McLain motion, the Board of Supervisors authorized the Township Solicitor to proceed with legal litigation against Foxwood.

The motion carried.

NEW BUSINESS

STONY RIDGE PARK
PHASE III – APPROVAL
FOR BID

On a Spade/Pierce-McLain motion, the Board of Supervisors approved the bid for the Stony Ridge Park Phase III to Handwerk Site Contractors in the amount \$652,751.50 to include both add alternate bids.

The motion carried with Supervisor Lenker casting a negative vote.

POLICE DEPARTMENT –
PERSONNEL MATTERS

On a Spade/Lenker motion, the Board of Supervisors authorized the elimination of the title and position of Corporal from the rank structure and the transfer of Corporal Burger and Corporal Lindsay to the position of Sergeant, with no pay increase until 2011, effective August 1, 2010.

The motion carried.

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POLICE DEPARTMENT –
AMENDMENT TO FLEET
INVENTORY

On a Spade/Griffie motion, the Board of Supervisors approved classifying the new Dodge Charger as an addition to the fleet rather than a replacement vehicle, and to equip the new vehicle with a radio, computer, and other necessary equipment for an approximate cost of \$20,145.00, as requested by Superintendent Richard Hammon.

The motion carried.

WESTHAFER ESTATES
2006-6F – PLANNING
EXEMPTION REQUEST

On a Pierce-McLain/Lenker motion, the Board of Supervisors approved the Westhafer Estates planning exemption request for the final subdivision plan, 2006-6F, and authorized that it be forwarded to DEP.

The motion carried.

TRACEY KENNELS
LD2007-8F – LETTER OF
CREDIT REDUCTION
REQUEST

On a Pierce-McLain/Griffie motion, the Board of Supervisors approved a reduction in the Letter of Credit to \$8,149.00 for the Tracey Kennels, final land development plan, LD2007-8F.

The motion carried.

RETIREMENT OF 2004
BOND

On a Spade/Griffie motion, the Board of Supervisors authorized the retirement of the 2004 General Obligation Bonds.

The motion carried.

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ON-LOT SEWAGE
SYSTEMS AMENDMENT
ORDINANCE NO. 9 OF
2010

On a Spade/Griffie motion, the Board of Supervisors adopted Ordinance No. 9 of 2010 amending Section VIII. B, Maintenance, to administratively adjust the schedule to allow more frequent pumping and Section XIV, Waiver Request to administratively manage waiver requests.

The motion carried.

PROPERTY
MAINTENANCE CODE
ORDINANCE NO. 11 OF
2010

On a Lenker/Griffie motion, the Board of Supervisors authorized the Township Solicitor to prepare the public notice and advertisement and set the Board meeting of August 11, 2010 as the date for consideration of adoption.

The motion carried.

ZONING HEARING
BOARD APPLICATIONS –
AUGUST

KMG Signs, Inc.
Variance 2010-8

The Board did not comment on KMG Signs Variance request to Section 313.3 (Regulating Business/Planned Center Signage for Sites Containing More Than 200,000 Square Feet of Gross Leasable Floor Area). The applicant seeks to exceed the maximum number of signs permitted and the maximum sign area permitted for a non-anchor store in this shopping center.

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SUBDIVISION PLANS

MECHANICSBURG
TERMINALS
CORPORATION 2010-5F
REVISED

Mr. Steve Carten, of Mechanicsburg Terminals, discussed the Mechanicsburg Terminals final subdivision plan with the Board.

On a Pierce-McLain/Spade motion, the Board of Supervisors approved the Mechanicsburg Terminals Corporation final subdivision plan, 2010-5F with the following waiver and comments:

WAIVER:

1. [SLDO:602.18.4] – Access Drives
The applicant is granted relief from the requirement that access drive lengths not exceed eight hundred (800') feet. The applicant's justification is stated as follows: The existing access drive into the Buckeye property is over 1,116 ft. long, which is an existing non-conformity. The alignment of the future access drive will be approximately 2,800 ft. long. Due to the location of the Buckeye parcel and facilities, it is not possible to provide an access drive while complying with the maximum allowable length of 800 ft. as required by the Ordinance.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF
2009 (SLDO):

1. [SLDO:304.06] – All final plans as recorded shall be submitted in electronic format compatible with AutoCAD 2000®.
2. [SLDO:402.03.4 & 403.03] – Provide existing features within two hundred (200') feet of the subject tracts. *Provide complete information for the Sun Pipe Line Co. 8-inch high-pressure pipeline for the portions of the pipeline, which lie within the tracts and/or within 200 feet.*

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3. [SLDO:402.04.6, 403.04.3 & 607] – Provide complete easement information in accordance with the requirements of these Sections for the proposed 50-foot pipeline easement. *In addition, provide all easements with locational dimensions to provide easy on-site location. Easements which do not follow property lines shall be located by a centerline metes and bounds description.*
4. [SLDO:402.05.2, 403.06.3 & 613.01] – Sewer Facilities Planning module or exemption is required for adoption by Silver Spring Township and approval by the Department of Environmental Protection.
5. [SLDO:402.05.8 & 403.05] – Provide evidence of PHMC notification and response.
6. [SLDO:402.05.11, 403.05 & 617] – Provide a Carbonate Assessment Report.
7. [SLDO:402.06.1 & 403.06] – Provide a copy of the right-of-way agreement(s) or letter(s) from the owner(s) or lessee(s) of such right-of-way(s) stating any conditions on the use of the land and the minimum building setback and/or right-of-way line for all existing pipelines.
8. [SLDO:403.01] – Prior to recording, the plan must be reduced to 18" x 24" and be legible. Submission of a single proof set for a legibility review prior to recording is required.
9. [SLDO:403.06] – All original seals, signatures, and notarizations shall be provided on each copy of the final plan prior to being recorded. Copies of sealed, signed, and notarized plans will not be permitted for recording.
10. [SLDO:403.07] – All applicable fees shall be paid prior to plan recording.

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11. [SLDO:602.18] – The applicant indicates that no improvements are proposed with this application; however, it appears that construction of an access drive will be necessary to provide access to proposed Tract 2. Please clarify. The applicant shall verify that all requirements for an access drive at this location can be met. *Provide a clear-sight triangle for the future access drive in accordance with Section 602.17.3.*
12. [SLDO:610.02] – Provide evidence that a trained professional has conducted a wetland review for all affected Tracts.

ADDITIONAL COMMENTS

13. A front setback of 50' is not identified for Tract 2 (Zoning, Section 221.8).
14. The impact of the new access road on the adjacent R-1 zone should be determined.
15. A clear sight triangle should be provided at the intersection of the access road and Texaco Road (Section 602.18.h).

The motion carried.

OTHER PERTINENT BUSINESS

Supervisor DiFilippo announced that the Ferris Land Development zoning change request was withdrawn by Mr. Ron Ferris.

Supervisor Spade questioned if costs, associated with different ideas suggested from Mr. Hammon's memo for Village Drive, had been identified. Staff advised that Mr. Wenrich has been on vacation and that the estimates will be on the August 11th agenda.

On a Griffie/Pierce-McLain motion, the Board of Supervisors authorized Mr. Dave Reager to perform the title search and provide title insurance on the 5 Willow Mill Park and 8 Flowers Drive properties.

The motion carried.

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Supervisor Pierce-McLain questioned staff regarding the anonymous letter regarding the camper parked off Wertzville Road. Staff informed the Board that Mr. Jim Hall was investigating that complaint. She also questioned the amount of liquidation damages for delays on the Texaco Road Improvement project. Mr. Bony Dawood informed the Board that when Wintermeyer's final invoice is received, \$11,500 will be deducted.

Supervisor Lenker than asked Mr. Bony Dawood if property owners were satisfied with the changes. Staff reported that the final punch list of work would satisfy the residents.

On a Lenker/Spade motion, the Board of Supervisors approved the use of the township complex for the medical/prescription drug recycling to be held on September 25, 2010 between 10:00 am and 2:00 pm and to provide a police officer to assist with recycling prescription drugs. The township will be reimbursed through Cumberland County.

The motion carried.

Supervisor Lenker reported that the highway crew was seen working on Texaco Road without the required safety vests and suggested that the Township purchase safety tee shirts that are NAIS approved for use in lieu of a safety vest during periods of extreme heat. The Board had no objections.

Supervisor DiFilippo questioned if the property at 40 Green Hill Road would qualify as a blighted property. Mr. Steve Stine advised that this property is in litigation and suggested negotiating an agreement for cleaning up the property.

Ms. Terri Martini reported that a PennDOT on-site meeting is scheduled regarding outstanding issues with the New Kingstown Bypass. Staff will be meeting with EPA representative to resolve issues cited in the annual report. She updated the Board on the Hodges Mobile Home Park sewage treatment project, confirming that the Shippensburg University had authorized the Township to proceed with an easement over the University property for the installation of an outfall line, and that the Township is eligible to re-apply for CDBG funds from the County.

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ADJOURNMENT

There being no further business or comments to come before the Board, the meeting was adjourned at 8:55 pm on a Spade/Lenker motion.

The motion carried.

Recorder: Kathy K. Kramer
Kathy K. Kramer

APPROVED: Vincent J. D'Alto
Chairman

Kathy K. Kramer
Secretary