

MINUTES

BOARD OF SUPERVISORS REGULAR SESSION

**FEBRUARY 25, 2009
6:30 PM**

The Silver Spring Township Board of Supervisors met in a regular session on Wednesday, February 25, 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 Jackie Eakin, and Supervisor Nancy Konhaus Griffie. Absent: Supervisor Vince DiFilippo.

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. James R. Sadler, Chief of Police; Mr. Jeff R. Williams, Director of Parks and Recreation; and Ms. Kathy Kramer, Assistant Secretary.

Others present:

Wayne Stevenson	J. Funkhouser
Lionel Spenard	G. Diener
Larry Langer	Karen & Dave Dupert
Harry & Bonnie Baim	Anthony Amadure
Jim Stevens	Dave Weihbrecht
Jamie Brubaker	Nate Spade
Karen Merlott	Tim Stephan
Nancy Shoaff	Kathi Pifer
Quin Hock	Vincent Noto
C. J. Bouchat	B. Fleming
Stephanie Witmer	Barb & Jim Dukes
Joel McNaughton	Mark DiSanto

EXECUTIVE SESSION

Chairman LeBlanc announced that an Executive Session was held immediately prior to this meeting to discuss a personnel issue and to also discuss the litigation on Hensley Broadcasting vs. Silver Spring Township, Cumberland County Court of Common Pleas No. 09-980. Hensley Broadcasting is appealing the Zoning Hearing Board's decision to construct a 398' cellular tower.

Chairman LeBlanc read a letter from Supervisor DiFilippo which reported that he had a minor setback but is doing better and plans on attending the next Board of Supervisors meeting.

PETITIONS AND
COMMENTS

Chairman LeBlanc introduced Bruder, the Township's new K-9 with handler Officer Jenkins.

Mr. Anthony Amadure, of the Cumberland County's Economic Development Office, introduced himself and gave a brief description of how he assists with business attraction and work force development.

APPROVAL OF
MINUTES

JANUARY 28, 2009
CONTINUED AND
FEBRUARY 11, 2009

On a Pierce-McLain/Eakin motion, the Board of Supervisors approved the minutes from the meetings held on January 28, 2009 Continued and February 11, 2009 as revised.

The motion carried.

REPORTS

POLICE

Nothing additional.

ENGINEER

No additional report.

TREASURER REPORT

No report.

EMERGENCY
MANAGEMENT
COUNCIL

Mr. William Cook advised the Board that a grant opportunity exists through Silver Spring Township's Worker's Compensation provider, Penn Prime, to assist in funding for an AED for the meeting

room. It was also noted by Supervisor Eakin that she is investigating opportunities for acquiring an AED device for little or no costs as well.

On a Pierce-McLain/Eakin motion, the Board of Supervisors authorized the submission of the grant application to Penn PRIME Workers' Compensation for purchase of an AED.

The motion carried.

RECREATION
ADVISORY COUNCIL

Nothing additional.

APPROVAL OF
EXPENDITURES

Supervisor Eakin questioned the amount of the rental payment to Perfect Partners for the Bent Creek Building & Codes Department. Mr. Cook will investigate and report.

On an Eakin/Pierce-McLain motion, the Board approved the expenditures since January 28, 2009.

The motion carried.

OLD BUSINESS

WALDEN, CU2005-15
CONDITIONAL USE
REQUIREMENT – BRIDGE
DISCUSSION

Mr. Jamie Brubaker, of Charter Homes, discussed the schedule and technical aspects of the conditional use requirement to construct two bridges on Woods Drive for the Board of Supervisor's consideration and for the Township to execute a GP11 application to DEP.

On a Pierce-McLain/Eakin motion, the Board of Supervisors approved the Walden, CU2005-15, construction schedule and sequence of work for the conditional use requirement to proceed with the reconstruction of two bridges on Woods Drive and to execute the GP11 application with the Township Engineers approval.

The motioned carried.

NEW BUSINESS

ON LOT DISPOSAL
SYSTEM MANAGEMENT
PROGRAM

Ordinance No. 7 of 2009

On a Pierce-McLain/Eakin motion, the Board of Supervisors approved Ordinance No. 7 of 2009 establishing the On Lot Disposal System Management Program.

The motion carried.

Establishing Fees
Resolution 2009-5

On an Eakin/Griffie motion, the Board of Supervisors adopted Resolution 2009-5 establishing fees associated with the implementation of the On-Lot Disposal System Management Program.

The motion carried.

RECOMMENDATION
FOR DOGS IN PARKS

On an Eakin/Griffie motion, the Board of Supervisors approved allowing dogs, on leash, in Pleasant View Park and Willow Mill Park within designated areas for a one year trial period.

The motion carried.

TURF MANAGEMENT
CONTRACT

On a Pierce-McLain/Eakin motion, the Board of Supervisors awarded the bid for turf care management and chemical application to Tru-Green Chem Lawn in the amount of \$23,909 for 2009 and in the amount of \$24,385 for 2010 contingent upon satisfactory performance which will be reviewed and determined in the fall of 2009.

The motion carried.

PORTABLE RESTROOM
CONTRACT

On a Pierce-McLain/Eakin motion, the Board of Supervisors awarded the 2009 portable restroom contract to Associated Products, Inc., in the amount of \$83.00 per month for handicapped units and \$60.00 per month for regular units.

The motion carried.

5K RACE – ROAD
CLOSING REQUEST

On a Pierce-McLain/Eakin motion, the Board of Supervisors approved the closure of a portion of Bernheisel Bridge Road for the 5K Race on May 2, 2009 from 8:30 – 11:00 am.

The motion carried.

PATROLMAN SETH
WEIKERT – OUTSIDE
EMPLOYMENT REQUEST

On a Pierce-McLain/Griffie motion, the Board of Supervisors granted Patrolman Weikert permission to engage in outside part-time employment up to a maximum of 24 hours per month until such time as the Chief determines the outside employment conflicts with Department operations.

The motion carried.

HARRY AND BONNIE
BAIM LOT
CONSOLIDATION
REQUEST, C2009-1

On an Eakin/Griffie motion, the Board of Supervisors acknowledged the consolidation of two lots owned by Harry and Bonnie Baim at 63 and 65 West Main Street, New Kingstown.

The motion carried.

ADOPT-A-HIGHWAY
PROGRAM – ZOMOK
FAMILY AND
NEIGHBORS

On an Eakin/Griffie motion, the Board of Supervisors recognized the Zomok Family and Neighbors as volunteers in the Adopt-a-Highway Program for Millers Gap Road.

The motion carried.

SUPPLEMENTAL
INSURANCE

On a Pierce-McLain/Eakin motion, the Board of Supervisors authorized an amendment to the Personnel Policy Manual to allow all full-time and probationary employees, at their choice, to participate in a supplemental disability insurance program.

The motion carried.

MUNICIPAL BUILDING
PROJECT

On a Griffie/Pierce-McLain motion, the Board of Supervisors approved the quote, in the amount not to exceed \$5,700, provided by Kimmel Bogrette to incorporate design changes suggested by the Building Committee.

The motion carried with Supervisor Eakin casting a negative vote.

ZONING HEARING
BOARD – MARCH
APPLICATIONS

114 Associates
Variance 2009 – 3
(Property located at 100
Sterling Parkway)

The Board did not object to the 114 Associates variance request to Section 220.12 (Landscaping Requirements) in the Professional Office Zone. The applicant seeks a variance to the requirement to install a 15-foot landscape strip along property lines.

SUBDIVISION PLANSDANBURY GLEN,
2008-1P

Mr. Dave Weihbrecht, of Alpha Engineering, Inc. and Mr. Joel McNaughton, discussed the Danbury Glen preliminary subdivision plan with the Board.

On an Eakin/Pierce-McLain motion, the Board of Supervisors approved the preliminary subdivision plan Danbury Glen, 2008-1P, subject to the following comments being addressed:

ZONING ORDINANCE OF 2007 (ZO:)

1. [ZO:316.2.3] – Common Open Space Requirements
The ownership and maintenance responsibilities for the common open space shall be clearly identified and in a language acceptable to the Township Solicitor.
2. [ZO:316.9] – Landscaping Plan
Provide the appropriate registered landscape architect certification on the landscaping plan. *Provide note on plan that identifies the registered landscape architect and license registration number for the individual responsible for preparing the landscape plan.*

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 2007 (SLDO:)

3. [SLDO:303.02, 614.03] – Emergency Management Council review and approval is required. EMC approval of fire hydrant locations is required. *The EMC has identified a need for additional water pressure in the area of the proposed development.*
4. [SLDO:402.05.2, 613.01] – A Sewer Facilities Plan Revision (planning module or exemption) is required for adoption by Silver Spring Township and approval by the Department of Environmental Protection. *The applicant may pursue an exemption when the Gross Drive Interceptor is completed*
5. [SLDO:402.05.6] – The applicant has provided a Traffic Impact Study prepared by Traffic Planning and Design, Inc., and dated April 10, 2008 and last revised January 15, 2009. We have reviewed the latest revision and offer the following comments for your consideration:

- a.) The applicant's engineer indicates that the applicant will fund the proposed recommended improvements, and that the cost estimate will be provided, via separate cover. The cost estimate must be submitted to the Township prior to approval of the TIS.
- b.) The applicant's engineer provided additional information regarding the calibration of the critical gap and follow-up time, in order to calibrate the analysis to existing conditions at the intersection of Konhaus Road & Trindle Road. This calibration is valid and could be accepted if and only if:
1. The calibration is used only to evaluate the existing conditions scenario.
 2. The traffic counts, the critical gap and follow-up data are collected during the same period of time.

The data for the gap analysis was collected in July 17, 2008, while the school district was out (summer time). All traffic data must be collected on an average weekday during the school year. Since the traffic data was collected in the summer, it is expected that the average stopped time is lower than during the school year, since traffic volumes during the summer are usually lower than during the school year. Using the data collected in July 17, 2008, to calibrate traffic counts completed in March 5, 2008 is not acceptable or applicable.

The proposed critical gap calibration and gap analysis cannot be accepted when evaluating future conditions. The level of service drops from a LOS C to a LOS D for southbound traffic at the intersection of Konhaus Road & Trindle Road during the 2018 morning peak hour scenario.

Further alternatives must be explored, such as widening the southbound approach to two lanes, providing a traffic island to separate the left/right turning movements; if this or other alternatives still do not improve the Level of Service at this approach, then a waiver request needs to be completed.

- c.) The applicant's engineer indicates that a separate queue table was submitted in the revised TIS for all the intersections; however, the TIS only contained the queue information for one location. The queue analysis for all the intersections must be completed and added to the TIS. In addition, it seems that the intersections of Trindle Road/Lodge Road and Trindle Road/Bare Road were not properly evaluated. The driveway located right across Lodge Road needs to be accommodated by the traffic signal operations and the eastbound approach queuing must be evaluated at the intersection of Trindle Road/Lodge Road. The westbound queuing at the intersection of Trindle Road/Bare Road also needs to be evaluated.
6. [SLDO:402.06] – Provide signatures and seals of responsible professional(s) on plan after the last plan revision.
 7. [SLDO:613.03] – Silver Spring Township Authority approval is required. Provide Authority acknowledgement of sufficient capacity to serve the proposed project.
 8. [SLDO:615.01] – The applicant is proposing payment of a fee-in-lieu of parkland. If the Board of Supervisors is in agreement, a recreation fee of \$1,300.00 shall be provided for each proposed dwelling unit prior to plan recording.

STORM WATER MANAGEMENT ORDINANCE OF 2007: (SWMO)

9. [SWMO:304.01.8] – Provide the Storm Water Management Plan Certification shown in Appendix 3, as well as the seal and signature of the professional responsible for the preparation of the Storm Water Management Report after the last plan revision. *The applicant has provided the requested certification. The certification will require a seal and signature after the last plan revision.*
10. [SWMO:304.03.7, 304.04.4] – Provide erosion and sedimentation control measures in conformance with the requirements of the Pennsylvania Department of Environmental Protection, Soil Erosion and Sedimentation Control Manual. This shall include plans,

details and a narrative as approved by the Cumberland County Conservation District.

11. [SWMO:304.04.3] – An Infiltration Bed/Basin Liner detail is provided on Sheet 16 of 16. The applicant shall clearly identify those areas which are intended for stormwater infiltration. The applicant shall provide the necessary test and analysis as required by this section of the ordinance. *The original Infiltration Bed/Basin Liner detail as provided on Sheet 16 of 16 has been re-titled as “Sink Hole Repair Detail”. Provide clarification as to the applicability of this detail. Furthermore, the latest revised storm water report includes a section entitled “Geologic Report/Infiltration Testing Results”. Please provide additional detail/clarification relative to the basin(s) design (e.g., is infiltration proposed or are the basins to be lined?). The applicant’s consultant’s response indicates that infiltration is proposed. It appears that the detail labeled “Sink Hole Repair Detail” is in fact an infiltration bed detail for a stormwater management basin. Additional detail shall be provided relative to the proposed infiltration in the proposed basins. If the infiltration beds are the proposed method of infiltration then the location and size of these facilities shall be depicted on the plans. Plan Sheet 6 of 18 now indicates “Individual Roof Infiltration Pits” on each lot. Provide design data and details for the proposed pits. The requested information shall be provided on the plan, as well as, within the storm water management narrative.*
12. [SWMO:304.04.5] – An ownership and maintenance program for the storm water management facilities that complies with this section of the Storm Water Management Ordinance must be provided in a recordable form acceptable to the Township Solicitor.
13. [SWMO:304.04.7] – Provide verification of NPDES, DEP or County Conservation District approval for erosion and sedimentation control.
14. [SWMO:402.05] – Provide detailed calculations to demonstrate that the proposed discharge from Basin #1 and Basin #2 will not have an adverse impact on the downstream facilities at Traditions of Silver Spring. Explain how the phasing of Danbury Glen will be coordinated with the phasing of Traditions at Silver Spring, or if not coordinated, explain how the discharge from Danbury Glen will be handled. *A plan note referencing the agreement between Traditions and*

Danbury Glen will need to be added to the plan. The applicant's consultant has revised the plan to include General Note #40. The Township shall be provided with assurance that the proposed points of concentrated discharge will have no impact on the downstream property for all design events. Easements and an agreement between the developer and the downstream property receiving the runoff must be submitted for review and approval by the Township Solicitor.

15. [SWMO:402.20] – If the project design relies on future improvements at Traditions at Silver Spring, an agreement between the developer and the downstream property receiving the runoff must be submitted for review and approval by the Township Solicitor.

GENERAL COMMENTS

16. Based on the number and nature of the comments contained within this letter, we reserve the right to generate additional comments based on subsequent reviews of the Subdivision Plan and associated reporting.

ADDITIONAL COMMENTS

17. [SLDO:402.03.4] – Based on our review of the Environmental Site Assessment reports prepared by Bucharth-Horn, Inc., dated October 1991 and BL Tethys, LLC, dated March 15, 1999, we offer the following. The reports identify several existing recognized environmental conditions at the site such as underground and aboveground storage tanks; suspect PCB containing light ballasts; presence of non-friable asbestos containing materials; a dump and several unmarked drums of waste. The applicant shall provide information concerning the status of the “recognized environmental conditions” identified in the reporting. All existing “recognized environmental conditions” shall be identified on the Existing Conditions Plan and the Township shall be provided with information in regards to the remediation of the conditions.
18. [SLDO:402.05.11 & 617] – The applicant at the meeting stated that individual infiltration pits are no longer proposed for each dwelling unit. The impact of an alternate approach must be assessed and reported.

- 19. A note is to be added to the plans stating that the underground tanks on site are to be removed prior to any construction. The note will also include the requirement to contact the Township prior to removal.

The motion carried.

Planning Exemption

On a Pierce-McLain/Eakin motion, the Board of Supervisors authorized the completion of Section 8d of the Danbury Glen planning exemption and to forward this request for planning exemption to DEP.

The motion carried.

WALNUT POINT PHASE 3,
2005-7F – LETTER OF
CREDIT REDUCTION
REQUEST

On a Pierce-McLain/Eakin motion, the Board of Supervisors approved a reduction in the Letter of Credit to \$497,172.85 for the Walnut Point Phase 3, final subdivision plan, 2005-7F.

The motion carried.

DELTA POINTE,
2006-25F –
CONDITIONAL USE
APPROVAL

Mr. Dave Weihbrecht discussed a waiver request for the Delta Pointe subdivision plan, 2006-25F, for the Board’s consideration.

On a Pierce-McLain/Eakin motion, the Board of Supervisors granted relief from providing sidewalks on both sides of the proposed roads as pedestrian traffic associated with the employees and patrons for the hotel, offices, restaurants, retail, is predicted on both sides. The amenities provided within the Bent Creek Commercial area should be used as a model to determine the necessary details. The waiver is conditioned upon receipt of a completed waiver application and the establishment of walkways from the buildings to the parking lots.

The motion carried.

Additionally the Board of Supervisors acknowledged that the Township will not abandon the portion of Old Willow Mill Road west of Rt. 114.

BELLA VISTA, 2004-11F –
LETTER OF CREDIT
REDUCTION AND
IMPROVEMENT
GUARANTEE

Mr. Mark DiSanto discussed Triple Crown Corporation taking over the guarantee responsibilities for the Bella Vista development currently being held by K. Hovnanian and asked for a reduction in the improvement guarantee.

On a Pierce-McLain/Eakin motion, the Board of Supervisors established the improvement guarantee for Triple Crown Corporation in the amount of \$242,755 in a form acceptable to the solicitor.

The motion carried.

LAND DEVELOPMENT
PLANS

BENT CREEK,
GEORGETOWN
CROSSING, LOT 20,
LD99-1F – LETTER OF
CREDIT RELEASE

On a Pierce-McLain/Eakin motion, the Board of Supervisors approved a waiver of conditions 20 and 21 for the Bent Creek Georgetown Crossing, Lot 20, LD99-1F:

Condition 20. “The applicant will grade the rear of the proposed townhouse units at a slope not to exceed 4 to 1.”

Condition 21. “For maintenance purposes the applicant will grade the area between the existing townhouse units and the proposed townhouse units to a slope acceptable to the Township Engineer.”

The waiver is conditioned upon receipt of an executed Hold Harmless Agreement between the Silver Spring Township Board of Supervisors and the Bent Creek Homeowners Association which will be prepared by the Township Solicitor, as well as receipt of payment of all Township fees for the project.

The motion carried.

OTHER PERTINENT
BUSINESS

Mr. Lionel Spenard, a Township resident, questioned the amount of the fees for the On Lot Disposal System Management Program and was advised that the permit cost to property owners is \$5.00 once every 5 years.

Ms. Georgianne Diener, a resident of the Township, asked about an article she read in the paper regarding the Brook Meadow Development. Ms. Diener questioned if the security bond holder does not have to pay for the unfinished roads since Altieri is not a part of this agreement. Mr. Stine advised that the Brook Meadow section of the development is not covered by the bond however; the public improvements in the Gingerfield section would be subject to an upcoming court hearing.

Supervisor Eakin asked staff to contact the Peninsula developer to start the fencing project. Supervisor Eakin questioned if the Friends of Willow Mill responded to the Board's request for a payment schedule. Staff advised that we have not received a schedule. Supervisor Eakin inquired if staff could sweep up the gravel in the Westfield development. Staff explained that the Township waits until spring to avoid the cost of duplicating street sweeping between snowfalls. She also asked that the Board reconsider joining PSAT.

Supervisor Pierce-McLain reported that the Emergency Management Council approved the THANKS Program incentives. This item will be put on the March 11th Workshop agenda for final adoption.

On a Pierce-McLain/Eakin motion, the Board of Supervisors authorized the Township Solicitor to intervene on the Hensley Broadcasting appeal (Cumberland County Court of Common Pleas No. 09-980).

The motion carried.

It was announced that PennDOT would be starting the New Kingstown By-Pass Project on March 2, 2009.

ADJOURNMENT

There being no further business or comments to come before the Board, the meeting was adjourned at 9:21 pm on a Pierce-McLain/Eakin motion.

The motion carried.

Recorder: _____
Kathy Kramer

APPROVED: _____
Chairman

Secretary