

MINUTES

BOARD OF SUPERVISORS REGULAR SESSION

MARCH 25, 2009
6:30 PM

The Silver Spring Township Board of Supervisors met in a regular session on Wednesday, March 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 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. James R. Sadler, Chief of Police; Mr. Leroy L. Hippensteel, Sergeant; Mr. Robert S. Greene, Jr., Building Code Official; Mr. Jeff R. Williams, Director of Parks and Recreation; and Ms. Kathy K. Kramer, Assistant Secretary.

Others present:

Wayne Stevenson
Lionel Spenard
Beth McAteer
Richard Helwic
Kathryn DiPuppo
Alex Kopicki
Don Fuller
Denise Lattner
Nate Spade
Kathi Pifer
Jason Gutshall
Dale Miller
Carl Tinkham

J. Funkhouser
G. Diener
Robert Ross
Douglas Kupas
Peter Wilson
Elizabeth DiFilippo
Felicia Boyer
Paul Cutting
Nancy Shoaff
Dave Weihbrecht
Jonette Zeigler
Aaron Anselmo

PETITIONS AND COMMENTS

RESOLUTION 2009-3
GERALD M. MCATEER, JR.

By general consensus, the Board of Supervisors adopted Resolution 2009-3 recognizing Gerald M. McAteer, Jr. for heroic action during a time of dramatic need.

RESOLUTION 2009-4
ROBERT ROSS

By general consensus, the Board of Supervisors adopted Resolution 2009-4 recognizing Robert Ross for his heroic action during a time of dramatic need.

Dr. Douglas Kupas, of the PA Department of Health Bureau of Emergency Management Services, acknowledged Mr. McAteer and Mr. Ross with a plaque from the Department of Health for an outstanding job.

Ms. Kathryn DiPuppo, of the American Heart Association, presented Mr. McAteer and Mr. Ross with an American Heartsaver Hero Award.

OTHER ITEMS

Mr. Lionel Spenard suggested that the agenda items contain more informative details for the public.

APPROVAL OF MINUTES

FEBRUARY 25, 2009 AND
MARCH 11, 2009

On a Pierce-McLain/Griffie motion, the Board of Supervisors approved the minutes from the meetings held on February 25, 2009 and March 11, 2009.

The motion carried.

REPORTS

POLICE

Chief Jim Sadler reported that Bruder, the Township's K-9, is doing well in training class. Chief Sadler explained that he conducted a comparison of the Smart Pens and the new laptops and reported that the new laptops would be more versatile for officers in the field.

On a Griffie/DiFilippo motion, the Board of Supervisors approved the purchase of five (5) Dell laptop computers, in the amount of \$12,934.90 from the Pennsylvania State Purchasing Contract and to continue with Kasual Computing, as our current maintenance vendor.

The motion carried.

ENGINEER

No additional report.

TREASURER REPORT

Ms. Kathy Kramer gave the Treasurer's report for the month of February, 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 and health benefit expenditures since February 26, 2009.

The motion carried.

OLD BUSINESS

ORDINANCE REVISIONS

On an Eakin/Pierce-McLain motion, the Board of Supervisors authorized that the Township Solicitor prepare the Zoning Ordinance, Subdivision and Land Development Ordinance, and Storm Water Management Ordinance modifications in the form for consideration and forward the request to the Township and Cumberland County Planning Commissions for their review and comments.

The motion carried.

NEW BUSINESS

CODE COMPLIANCE
INSPECTION SERVICE/PLAN
REVIEW SERVICES
PROPOSALS

On a Pierce-McLain/Eakin motion, the Board of Supervisors accepted the March 20, 2009 proposal submitted by Commonwealth Code Inspection Service, Inc. and the award of an annual contract to be prepared by the Township Solicitor.

The motion carried.

PROTECTIVE INSPECTION –
CHANGE IN ACCOUNT

On a Pierce-McLain/DiFilippo motion, the Board of Supervisors authorized a transfer of \$300 from 01-413-200 Material & Supplies to Minor Equipment 01-413-260 for the purchase of 2 used bookcases and a new café table with three (3) chairs for the Codes Department office at Bent Creek.

The motion carried.

CHANGE ORDER FOR
RETTEW ON STONY RIDGE
PHASE III

On a Pierce-McLain/DiFilippo motion, the Board of Supervisors authorized a change order for Rettew on Stony Ridge Phase III to pay for design changes needed to enhance the 2010 grant application in the amount of \$2,750 from account 01454614.

The motion carried.

JOHN DEERE MOWER
WITH LEAF AND GRASS
CATCHER

On an Eakin/Griffie motion, the Board of Supervisors authorized the purchase of a John Deere Mower, with leaf and grass catcher from Landmark Equipment, through the Pennsylvania Purchasing Contract in the amount of \$11,301.75.

The motion carried.

HUSTON MILL BIDS

On a Pierce-McLain/DiFilippo motion, the Board of Supervisors awarded the bid for the stabilization of the Huston Mill to include Item 1 of the supplemental prices to McCorkel Construction Services, Inc. in the amount of \$48,144.27, pending receipt of the required contract documents.

The motion carried.

RIVENDELL SUBDIVISION
STREETLIGHTS
DISCUSSION

Mr. Peter Wilson, Reager & Adler, PC and Mr. Alex Kopicki, of Manekin, LLC and development residents discussed a request of Silver Spring Township to reconsider the policy for taking responsibility for streetlights in the Rivendell Development.

No action was taken by the Board.

WEST SHORE TAX
BUREAU – COSTS OF
COLLECTION
ORDINANCE – DECISION
ORDINANCE NO. 8 OF 2009

On an Eakin/Pierce-McLain motion, the Board of Supervisors adopted Ordinance No. 8 of 2009, authorizing the West Shore Tax Bureau the ability to impose, collect and retain certain costs of collection on delinquent taxpayers for delinquent taxes it collects on behalf of Silver Spring Township.

The motion carried.

COMMUNITY ORIENTED
POLICING SERVICES
(COPS) GRANT

On a Pierce-McLain/Griffie motion, the Board of Supervisors authorized staff to proceed with the Community Oriented Policing Services (COPS) Grant for the hiring of two patrol officers.

The motion carried.

DELTA COMMERCE PARK
DEVELOPER, LLC, CU2009-1

On a Pierce-McLain/DiFilippo motion, the Board of Supervisors forwarded the Delta Commerce Park Developer, LLC Conditional Use Application, CU2009-1, to the Township's Planning Commission for its review and comment and set the hearing date of April 22, 2009 at 6:30 pm for consideration of the request.

The motion carried.

SAFETY COMMITTEE

On a Griffie/Eakin motion, the Board of Supervisors established a Safety Committee that includes representation from a cross section of municipal departments.

The motion carried.

ZONING HEARING
BOARD APPLICATIONS –
APRIL

Richard Jehu, Sr.
Variance 2009-4
(Property located at 6984
Wertzville Road currently
owned by Alvin L. and Donna
Sprague)

The Board did not object to the Richard Jehu, Sr. variance request to Section 210.2 Permitted Uses in C-1 Neighborhood Commercial Zone. The applicant seeks to establish a repossession of automobiles business and automobile storage on this property.

SUBDIVISION PLANSMILLFORDING
HIGHLANDS - PHASE 2
2009-1F

Mr. Richard Helwic, of Hoover Engineering Services, Inc. discussed the Millfording Highlands - Phase 2 subdivision plan with the Board.

On a Pierce-McLain/Eakin motion, the Board of Supervisors approved the final subdivision plan Millfording Highlands - Phase 2, 2009-1F, subject to the following comments being addressed:

1. [SLDO:304.06] – All final plans as recorded shall be submitted in electronic format compatible with AutoCADD 2006®. The applicant has submitted an electronic file; however, the file shall be updated to reflect all plan changes necessary to address the review comments.
2. [SLDO:403.01] – Prior to recording, the plan must be reduced to eighteen by twenty-four (18” x 24”) inches and be legible. Submission of a proof set prior to recording is required.
3. [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.
4. [SLDO:403.06.8] – Improvement Guarantee in accordance with Article V is required prior to plan recording.
5. [SLDO:403.06.11] – A completed Memorandum of Understanding shall be executed prior to recording the plan.
6. [SLDO:403.07] – All applicable fees shall be paid prior to final plan approval.

7. [SLDO:607.03] – For the storm water drainage facility easements, the plan and easement agreement shall clearly identify who has the right-of-access and responsibility for function of the easemented area. *The Township will not maintain stormwater facilities which are located outside of the Township's right-of-way.*
8. [SLDO:613.03] – The applicant shall provide notification from the Silver Spring Township Authority of the existing ability to provide sanitary sewer service, approval of the design plans and acceptance of Performance Guarantees.
9. [SLDO:614.02] – Provide written notification from the water company with respect to availability of service, approval of the design plans, and acceptance of Performance Guarantees.
10. [SLDO:615.01] – Per the preliminary plan approval, a recreation fee of \$350.00 shall be provided for each proposed dwelling unit prior to plan recording.

GENERAL COMMENTS

11. The amount of wooded area to be removed for the grading and development of lots 61-64 should be indicated on Sheet 17.

The motion carried.

BRIAN & HEATHER
BRENNEMAN, 2009-2F

Mr. Dave Weihbrecht, of Alpha Consulting Engineers, Inc., discussed the Brian & Heather Brenneman subdivision plan with the Board.

On a Pierce-McLain/DiFilippo motion, the Board of Supervisors approved the final subdivision plan for Brian & Heather Brenneman, 2009-2F, with the following waiver:

WAIVER

1. [SLDO:402.03.5] – Location of Existing Facilities
The applicant is granted relief from the requirement to provide the location of existing individual on-lot sanitary sewer disposal facilities and water supply facilities within

a hundred (100') feet of the subject tract(s). This relief is approved on the basis that the plan is a subdivision in the Agricultural District resulting in large lots. Lot #1 will be 11.58 acres and Lot #2 will be 12.18 acres.

Due to the large lot sizes it is possible to locate on-lot septic systems well within the limits of the proposed subdivision. Based on Soils Testing (percs & probes) the location of the septic system on Lot #1, both primary and alternate, is further than one hundred (100') feet from the property lines. The testing area for Lot #2 is similar. The plan includes the depiction of a one hundred (100') feet isolation distance around each septic system location and well.

The following conditions of approval must be addressed:

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 2008 (SLDO):

1. [SLDO:301] – The Township's Lot Consolidation form may be used to consolidate Lot 3 with the existing Brenneman lot. The Lot Consolidation shall be recorded prior to recording the Final Subdivision Plan.
2. [SLDO:304.06] – All final plans as recorded shall be submitted in electronic format compatible with AutoCADD 2000®.
3. [SLDO:402.05.2, 403.06.3 & 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.
4. [SLDO:402.05.8 & 403.05] – Provide evidence of Pennsylvania Historical and Museum Commission (PHMC) notification and response.
5. [SLDO:402.06.4 & 403.06.6] – A Highway Occupancy Permit will be required, before any improvements are initiated within a State Highway.
6. [SLDO:402.07 & 403.07] – All applicable fees shall be paid prior to final plan approval.
7. [SLDO:403.01] – Prior to recording, the plan must be reduced to eighteen by twenty-four (18" x 24") inches

and be legible. Submission of a proof set prior to recording is required.

8. [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.
9. [SLDO:403.06.11] – An executed Memorandum of Understanding may be required prior to plan recording.
10. [SLDO:615.01] – A recreation fee of \$1,300.00 shall be provided for each proposed dwelling unit prior to plan recording.

GENERAL COMMENTS:

11. The plan should be certified by the surveyor/engineer.

The motion carried.

EVERGREEN II - PHASE 5,
2009-3F

Mr. Dave Weihbrecht, of Alpha Consulting Engineers, Inc., discussed the Evergreen II Phase 5 subdivision plan with the Board.

On a Pierce-McLain/DiFilippo motion, the Board of Supervisors approved the final subdivision plan Evergreen II - Phase 5, 2009-3F, subject to the following comments being addressed:

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF
2005 (SLDO):

1. [SLDO:303.05] – All conditions issued for the Preliminary Plan are hereby included.
2. [SLDO:304.06] – Prior to recording the plan, provide a copy of the plans in AutoCADD 2000® or in an appropriate electronic format as permitted by the Township.
3. [SLDO:402.04.6, 403.04 & 607.03] – Provide an easement agreement for the proposed fifty (50') feet access easement for benefit of Karfuff Property, which clearly identifies who has the right-of-access and responsibility for function of the easemented area. The

agreement shall be provided to the Township Solicitor for review.

4. [SLDO:402.05.2, 403.06.3 & 613.03] – 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. Applicant's consultant provided, at the time of submission of Phases Two, Three and Four, a confirmation letter from DEP approving 83 residential units for Phases 1-4 or 18,675 gallons per day (gpd). Because the current plan submission proposes units in excess of the "83 residential units" (i.e., sixteen (16) additional units), the applicant shall provide the required planning module or exemption. The applicant shall also provide notification from the Silver Spring Township Authority of the existing ability to provide sanitary sewer service, approval of the design plans and acceptance of Performance Guarantees.
5. [SLDO:403.01] – Prior to recording, the plan must be reduced to eighteen by twenty-four (18" x 24") inches and be legible. Submission of a single proof set for a legibility review prior to recording is required.
6. [SLDO:403.06.11] – An executed Memorandum of Understanding is required prior to plan recording.
7. [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.
8. [SLDO:403.06.8] – An Improvement Guarantee in accordance with Article V is required prior to plan recording.
9. [SLDO:403.07] – All applicable fees shall be paid prior to final plan approval.
10. [SLDO:614.02] – Provide written notification from the water company with respect to availability of service, approval of the design plans, and acceptance of Performance Guarantees.

11. [SLDO:615.01] – Per the preliminary plan approval, a recreation fee of \$350.00 shall be provided for each proposed dwelling unit prior to plan recording.

STORM WATER MANAGEMENT ORDINANCE OF 2005 (SWMO):

12. [SWMO:302 & 303.02] – Storm Water Management Permit, Permit No. 2007-17 shall be modified and the Storm Water Management Plan shall be revised to include Phase Five, in accordance with the requirements of the SWMO Ordinance.

GENERAL COMMENTS:

13. The plan must be certified by the surveyor/engineer.
14. The landscape plan on Sheet 6 should indicate the amount of existing woods to be removed. *Please provide a plan note indicating that the existing woods are not to be disturbed.*
15. The locations of the proposed sewer and water lines and stormwater facilities in Phase 5 should be shown. (Sub.Ord., Section 402.04.10). *Please provide the location of the proposed sanitary sewer line.*

The motion carried.

WILLOW LAKE
SUBDIVISION, C2009-2 –
LOT CONSOLIDATION

On an Eakin/Pierce-McLain motion, the Board of Supervisors acknowledged the consolidation of two lots, Lot 12 and Lot 13 of the Willow Lake Subdivision, owned by Darrin Silbaugh.

The motion carried.

LAND DEVELOPMENT
PLANSGILLIGAN'S WEST &
BENT CREEK SQUARE,
LD2008-16P

Mr. Jason Gutshall, of Navarro & Wright Consulting Engineers, Inc., PC, discussed the Gilligan's West & Bent Creek Square land development plan with the Board.

On a Pierce-McLain/Eakin motion, the Board of Supervisors tabled action on the preliminary land development plan for Gilligan's West & Bent Creek Square, LD2008-16P, subject to the following waivers and conditions being addressed:

WAIVERS

1. [SLDO:301] – Preliminary Plan
The applicant is requesting relief from the requirement of providing a preliminary plan. This relief is requested on the basis that the project is located on a previously subdivided lot created for the intended purpose of a commercial use development within the existing Bent Creek Subdivision.
2. [SLDO:402.05.06] – Traffic Impact Study
The applicant is requesting relief from the requirement to provide a Traffic Impact Study. This relief is requested on the basis that traffic volumes generated by this project are not likely to have a substantial impact on the adjacent roadway network.
3. [SWMO:402.09.04] – Capacities
The applicant is requesting relief from the requirement to provide a minimum velocity in the conveyance system of 2.5 feet per second. This relief is requested approved on the basis that this velocity cannot be achieved due to the site constraints of connecting to the existing collection system along Bent Creek Boulevard.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF
2008 (SLDO):

1. [SLDO:301] – A Preliminary Plan is required for land development applications proposing greater than fifty

(50) parking spaces. Therefore, please remove all references to “Final” from the Plan/sheet titles and replace the “Final Plan Approval Statement” with the “Preliminary Plan Approval Statement”. *The applicant is requesting a waiver of the requirement to submit a Preliminary Plan.*

2. [SLDO:301] – The Township’s Lot Consolidation form may be used to consolidate Lot #2 and Lot #3A. The Lot Consolidation shall be recorded prior to recording the Land Development Plan.
3. [SLDO:304.02] – Emergency Management Council review and approval is required. All buildings must be equipped with Knox Box.
4. [SLDO:304.03] – An adequacy letter from the Cumberland County Conservation District is required prior to plan recording.
5. [SLDO:304.06] – All final plans as recorded shall be submitted in electronic format compatible with AutoCADD 2000®.
6. [SLDO:402.05.2] – Sewer Facilities Planning module or exemption is required for adoption by Silver Spring Township and approval by the Department of Environmental Protection.
7. [SLDO:402.05.6] – A Traffic Impact Report is required for the Land Development Plan submission per SLDO:402.05.6. The applicant is requesting relief of the requirement to submit a Traffic Impact Report. The applicant has prepared a traffic assessment of the adjacent intersection on Conodoguinet Parkway at Bent Creek Boulevard to demonstrate that traffic volumes generated by Gilligan’s West and Bent Creek Square will not have a substantial impact on the adjacent roadway network. The Traffic Assessment – Waiver Documentation prepared by Grove Miller Engineering, Inc., dated February 19, 2009, has been reviewed. In our opinion, the assessment provided provides adequate documentation to support the applicant’s request for a waiver of the requirement to submit a Traffic Impact Report.

8. [SLDO:603.19] – Show the location and provide appropriate signage for a fire lane.

STORM WATER MANAGEMENT ORDINANCE OF 2007 (SWMO):

9. [SWMO:303.02] – A Storm Water Management Permit for a Major Land Disturbance will be required prior to initiation of earth moving activities.
10. [SWMO:304.04.7] – Provide verification of NPDES, DEP permit and/or County Conservation District approval.
11. [SWMO:402.09.4] – The velocity to be used in the design of any piped storm water conveyance system shall be a minimum of two and one-half (2.5 fps) feet per second. It appears that several proposed pipe runs do not meet the minimum required velocity. Please review and revise as appropriate. *The applicant is requesting a waiver of this requirement.*

GENERAL COMMENTS:

12. [SLDO:403] – The applicant has submitted a request for waiver of a preliminary plan submission. Should this request be approved by the Board of Supervisors, the plan shall meet all of the requirements applicable to a final plan submission.
13. [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.
14. [SLDO:403.04.5] – For proposed buildings, provide information to tie two opposing points, such as building corners, to existing physical features on the site. Each proposed point shall be tied to at least two existing physical features. *It appears that one of the points is tied to a proposed feature. Please review and revise as appropriate. Use of an "existing" physical feature is required.*

15. [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.
16. [SLDO:403.06.3] – Provide a notice from the Pennsylvania Department of Environmental Protection (PA DEP) that a Sewer Facilities Plan Revision or Exemption has been approved.
17. [SLDO:403.06.8] – An Improvement Guarantee in accordance with Article V is required prior to recording the plan approval.
18. [SLDO:403.06.11] – Provide a fully executed Memorandum of Understanding, prior to plan recordation.
19. [SLDO:403.07] – All applicable fees shall be paid prior to final plan approval.
20. [SLDO:613.03] – Provide a letter from the Silver Spring Township Authority of the existing ability to provide sanitary sewer service, approval of the design plans and acceptance of Performance Guarantees.
21. Concerns were expressed due to the location of the building.
22. Carry the architectural elements of the front theme to rear of building.
23. Explore options for enhancing the appearance of the rear elevation.

The motion carried.

OTHER PERTINENT
BUSINESS

On a Griffie/DiFilippo motion, the Board of Supervisors accepted the Herbert, Rowland, and Grubic proposal for the arbitration services 195 Associates fee dispute.

The motion carried.

Supervisor Eakin questioned if the Township received a response regarding the fencing in the Peninsula Development. Mr. Cook reported that no response was received from the developer and that residents who reside along Sample Bridge Road as well as Bali Hai Road received letters that the Township Engineer will be staking out the right-of-way in the next few days. After the staking is finished, the Developer will be notified.

Supervisor Pierce-McLain noted that the Board’s April workshop meeting will be held the same night that Passover begins.

Supervisor Griffie asked if Hodges Mobile Home Park was in compliance. Mr. Cook replied that an area was identified that warrants further investigation by Mr. Morrow the SEO. In the meantime, the weekly septic tank pumping monitored by the Township SEO will continue.

Mr. Jim Funkhouser, a township resident, suggested that Developers when presenting a project at the easel keep the audience in mind during their presentation.

ADJOURNMENT

There being no further business or comments to come before the Board, the meeting was adjourned at 8:44 pm on a LeBlanc/Eakin motion.

The motion carried.

Recorder: _____
Kathy Kramer

APPROVED: _____
Chairman

Secretary