

## MINUTES

### BOARD OF SUPERVISORS REGULAR SESSION

FEBRUARY 24, 2010  
6:30 PM

The Silver Spring Township Board of Supervisors met in a regular session on Wednesday, February 24, 2010 at the Township Building, 6475 Carlisle Pike, Mechanicsburg, Pennsylvania.

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

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: 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, Acting Chief of Police; Ms. Sue Ellen Adams, Secretary/Treasurer; and Ms. Kathy K. Kramer, Assistant/Secretary.

Others present:

Wayne Stevenson  
Dolores Sunday  
Joyce Booz  
J. Diener  
Patty Weber  
Dave Weihbrecht  
Kurt Sunday  
Jim Stevens  
John Murphy

Creedin Sunday  
Lionel Spenard  
G. Diener  
J. Mumper  
Nancy Vogelsong  
Jan LeBlanc  
Marlin Wood  
Patrick Navagato  
Dave Killick

### EXECUTIVE SESSION

Chairman DiFilippo announced that an Executive Session was held on February 18, 2010 and immediately prior to this meeting to discuss litigation and personnel issues.

### PETITIONS AND COMMENTS

Mr. Creedin Sunday wanted it on record that he was opposed to the Link-Belt Variance when it is submitted to the Township.

Mr. Lionel Spenard commented that he has not received a written response to his January 13, 2010 letter. In addition, he requested a word for word transcript of a portion of the January 27, 2010 meeting discussion. He was advised that he should file a "Right to Know" request form.

## MINUTES

### BOARD OF SUPERVISORS REGULAR SESSION

**FEBRUARY 24, 2010  
6:30 PM**

Mr. Kurt Sunday questioned whether an original variance request by Link Belt was going to stand or if it is negotiable. Staff responded that a variance granted by the Zoning Hearing Board cannot be altered, however, Link Belt can submit another variance request.

### APPROVAL OF MINUTES – FEBRUARY 11, 2010

On a Pierce-McLain/Griffie motion, the Board of Supervisors approved the minutes from the meeting held on February 11, 2010.

The motion carried.

### REPORTS

#### POLICE

Nothing additional.

#### ENGINEER

No additional report.

### TREASURER REPORT

Ms. Kathy K. Kramer read the Treasurer's report for the month of January 2010 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 Spade/Pierce-McLain motion, the Board of Supervisors approved the expenditures since January 27, 2010.

The motion carried.

## MINUTES

### BOARD OF SUPERVISORS REGULAR SESSION

**FEBRUARY 24, 2010  
6:30 PM**

#### OLD BUSINESS

#### FRIENDS OF WILLOW MILL – REPAYMENT SCHEDULE

Staff advised that The Friends of Willow Mill paid the balance of the loan payment in full.

#### POLICE CAR PURCHASE

On a Pierce-McLain/Lenker motion, the Board of Supervisors approved the purchase of a 2010 Dodge Charger Police Interceptor at a cost of \$27,442 from Warnock Fleet & Leasing through the State Purchasing program with an additional \$5,415 for installation of lights and equipment to be installed and transferred at a local contracted vendor.

The motion carried with Supervisor Griffie and Supervisor Spade casting negative votes.

#### NEW BUSINESS

#### EMPLOYEE PENSION PLANS – ASSET SMOOTHING METHOD

Mr. Dave Killick, of Conrad Siegel, discussed the asset smoothing method for the employee pension plan.

On a Spade/Pierce-McLain motion, the Board of Supervisors authorized the adoption of an asset smoothing method for the purpose of determining the actuarial value of assets to be used in the preparation of the January 1, 2009, actuarial valuation of the Silver Spring Township uniform and non-uniform pension plans. Further, the Board of Supervisors approved using the rate of 120% of the market value of the assets.

The motion carried.

## MINUTES

### BOARD OF SUPERVISORS REGULAR SESSION

**FEBRUARY 24, 2010  
6:30 PM**

ORDINANCE NO. 1 OF  
2010 – PRETREATMENT  
ORDINANCE REVISION

On a Lenker/Spade motion, the Board of Supervisors adopted Ordinance No. 1 of 2010 amending Ordinance No. 97-4, which established a wastewater pretreatment program, provided regulations limiting, and controlling the quality of wastewater discharged into the public sanitary sewerage system. Ordinance No. 1 of 2010 changes the wastewater discharge limitations.

The motion carried.

HILLSIDE FARMS  
PHASE V, 2006-18F –  
WAIVER REQUEST

On a Pierce-McLain/Lenker motion, the Board of Supervisors approved a waiver request for the installation of an ornamental fence in the Hillside Farms Phase V subdivision plan, 2006-18F.

The motion carried.

TEXACO ROAD AND  
SR114 – TIME  
EXTENSION REQUEST  
FROM LEON E.  
WINTERMYER

Supervisor Lenker made a motion to approve the contract extension until May 31, 2010 for completion of the Texaco Road and SR114 road improvements. Due to a lack of second, the motion died.

On a Pierce-McLain/Spade motion, the Board of Supervisors approved an extension of the contract until May 15, 2010 for completion of the Texaco Road and SR114 road improvements.

The motion carried with Supervisor Lenker casting a negative vote.

## MINUTES

### BOARD OF SUPERVISORS REGULAR SESSION

**FEBRUARY 24, 2010  
6:30 PM**

PROPOSAL FOR A  
MANAGEMENT AND  
OPERATIONAL STUDY  
OF THE POLICE  
DEPARTMENT

On a Griffie/Spade motion, the Board of Supervisors approved the proposal for a Management and Operational Study of the Police Department as submitted by Robert A. Martin, Chief of Police, Susquehanna Township and David Johnson, Director of Public Safety, Lower Paxton Township, at the rate of \$50/hour, not to exceed 100 hours, or \$5,000.00.

The motion carried.

KIDDIE ACADEMY –  
ZONING ORDINANCE  
TEXT AMENDMENT

Mr. John Murphy, of Alpha Consulting, Inc., discussed the Kiddie Academy Zoning Ordinance Text Amendment with the Board.

On a Spade/Griffie motion, the Board of Supervisors forwarded the text amendment back to the Township Planning Commission and Cumberland County Planning Commission for review and comment with the additional conditions being included in the text amendment:

- A conditional requirement establishing the setback for all outdoor play areas to a minimum of 25' from all property boundaries.
- A conditional requirement to screen the use from all adjacent properties.

The Board of Supervisors also authorized the Township Solicitor to prepare the public notice and advertisement and set the Board meeting of March 24, 2010 as the date of the public hearing and to consider adoption with the applicant paying any additional advertising fees if necessary.

The motion carried.

## MINUTES

### BOARD OF SUPERVISORS REGULAR SESSION

**FEBRUARY 24, 2010  
6:30 PM**

#### MECHANICSBURG BOROUGH REQUEST FOR SPECIAL FIRE POLICE

The Board of Supervisors by consensus tabled Mechanicsburg Borough's request for both the Silver Spring Community and New Kingstown Fire Companies Special Fire Police to assist with three borough activities submitted as legitimate activities for worker's compensation purposes, until it is discussed at the March 16, 2010 Emergency Management Council meeting.

#### PENNSYLVANIA LEAGUE OF CITIES AND MUNICIPALITIES MEMBERSHIP

On a Pierce-McLain/Griffie motion, the Board of Supervisors approved the Township application for membership in the Pennsylvania League of Cities and Municipalities and authorized the payment of fees for 2010 in the amount of \$1,440.50.

The motion carried.

#### PLAN EXTENSION REQUEST POLICY

After a lengthy discussion regarding establishing a policy for considering plan extension requests, the Board of Supervisors asked that staff discuss this matter further with the Planning Commission.

#### RESIDENT PERMIT PARKING RESTRICTIONS ORDINANCE #3 OF 2000

On a Pierce-McLain/Griffie motion, the Board of Supervisors authorized the Township solicitor to prepare the public notice and advertisement and set the Board meeting of March 24, 2010 as the date for consideration of adoption.

The motion carried.

## MINUTES

### BOARD OF SUPERVISORS REGULAR SESSION

FEBRUARY 24, 2010  
6:30 PM

### SUBDIVISION PLANS MULBERRY COURT 2010-1F

Mr. Dave Weihbrecht, of Alpha Consulting, Inc., discussed the Mulberry Court final subdivision plan, with the Board.

On a Spade/Griffie motion, the Board of Supervisors approved the Mulberry Court, final subdivision plan, 2010-1F, with the following comments:

#### ZONING ORDINANCE OF 2008 (ZO:)

1. [ZO:316.2] – 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.

#### SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 2008: (SLDO:)

2. [SLDO:304.02] – The plan has been reviewed by the EMC. Based on their review, an additional fire hydrant shall be provided between Lots 5 and 6 and each home shall be identified with a green and white address sign located at the mailbox in addition to the address number being placed on each home. Additionally, the council approved the proposed street names.
3. [SLDO:304.06] – All final plans as recorded shall be submitted in electronic format compatible with AutoCADD 2000®.
4. [SLDO:305.04] – The applicant shall update the waiver statement to include the date the waiver was approved by the Board of Supervisors.
5. [SLDO:403] – (a.) Several of the General Notes located on the plan cover sheet incorrectly reference the “Texaco Road Subdivision” (e.g., Notes 9, 11 & 30). Please review and revise all plan notes to correctly reference “Mulberry Court.” (b.) Several of the General Notes are repeated. Please review and revise the General Notes to eliminate redundancy.

## MINUTES

### BOARD OF SUPERVISORS REGULAR SESSION

FEBRUARY 24, 2010  
6:30 PM

6. [SLDO:403.01] – Prior to recording, the plan must be reduced to 18" x 24" and be legible. Submission of a proof set prior to recording is required.
7. [SLDO:403.02 & 402.02.8] – Provide a graphic scale as well as a written scale on all sheets.
8. [SLDO:403.02 & 402.02.10] – Indicate the net open space provided in the Site Data table located on the plan cover sheet. The net area should not include areas less than 50 feet in width or the storm water basins.
9. [SLDO:403.03 & 402.03.6] – The applicant shall provide a written description of the methods that will be used to protect the trees to remain during construction.
10. [SLDO:403.04.1] – Provide a complete description of the centerline for Texaco Road in accordance with the requirements of this section. It appears there is centerline information provided in tables located on Sheets 2 and 3; however, this information is not depicted on the plan views.
11. [SLDO:403.04.3] – (a.) The information provided in the Drainage Easement Line Table located on Sheet 3 is not depicted on the plan. Please review and revise as appropriate. (b.) The Snow Easement Curve Table located on Sheet 3 indicates Curve CSE3. The plan view labels CSE3 in the vicinity of the cul-de-sac of Sugar Maple Way. It appears this information is not necessary. Please review and revise as appropriate.
12. [SLDO:403.05 & 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.
13. [SLDO:403.05 & 617] – A Carbonate Assessment Report prepared by Alpha Consulting Engineers, Inc., dated May 22, 2009 and last revised June 11, 2009 was submitted and reviewed during the preliminary plan review. All outstanding review comments as they appear in the Township's letter dated September 24, 2009 shall be addressed prior to final plan approval.

## MINUTES

### BOARD OF SUPERVISORS REGULAR SESSION

FEBRUARY 24, 2010  
6:30 PM

14. [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 are not permitted for recording.
15. [SLDO:403.06.2] – Provide the correct County Planning Department review certificate.
16. [SLDO:403.06.8] – Provide an Improvement Guarantee, in accordance with Article V, prior to plan recording.
17. [SLDO:403.06.11] – Provide a fully executed Improvement Guarantee Agreement, prior to plan recording.
18. [SLDO:403.06.12] – Provide the homeowner's association documents for review and approval by the Township Solicitor.
19. [SLDO:403.07] – All applicable fees shall be paid prior to plan recording.
20. [SLDO:506] – Provide a note on the plans stating to the effect that it shall be the responsibility of the applicant to arrange a pre-construction meeting and all required inspections prior to initiating construction activities.
21. [SLDO:602.07] – All new street names are subject to approval by the Township and the U.S. Postal Service.
22. [SLDO:602.08] – Provide proposed grades (i.e., slopes) on the street profiles in accordance with the requirements of this section.
23. [SLDO:611.02.d] – Provide additional street tree notes or depict street trees on Sheet 4 to indicate that the trees shall be planted between the street right-of-way line and the building setback line at a maximum spacing of seventy-five (75) feet.
24. [SLDO:613.03] – Silver Spring Township Authority approval is required. Provide Authority acknowledgement of sufficient capacity to serve the proposed project.
25. [SLDO:614.02] – Provide notification from the appropriate authority or association of the existing ability

## MINUTES

### BOARD OF SUPERVISORS REGULAR SESSION

FEBRUARY 24, 2010  
6:30 PM

to provide water service, approval of the design plans and acceptance of Performance Guarantees shall be submitted.

26. [SLDO:615] – Recreational Advisory Council (RAC) review and approval is required.
27. [SLDO:615.01] – 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)

28. [SWMO:303.02] – A Storm Water Management Permit for a Major Land Disturbance will be required prior to initiation of earth moving activities.
29. [SWMO:304.01.8] – (a.) 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. (b.) Please provide one report which includes all required information under one cover and for which all modifications made to the plan since the last preliminary plan submission are included.
30. [SWMO:304.03.5] – (a.) It appears there is no profile provided for the storm sewer run from HW-1 to I-14. Please review and revise as appropriate to include this information with the profiles. (b.) There are several discrepancies between the information provided on the profiles and that provided or used in the Hydraflow storm sewer design calculations. This would include inverts, pipe lengths, and slopes. Please review and revise as appropriate to eliminate the discrepancies. (c.) The pipe run from I-12 to MH-1 depicted on the Silver Leaf Lane profile should be labeled. (d.) Where multiple connections are made to an inlet, please label the inverts to clearly identify the associated pipe run.
31. [SWMO:304.04.5 & 402.20] – 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.

## MINUTES

### BOARD OF SUPERVISORS REGULAR SESSION

FEBRUARY 24, 2010  
6:30 PM

32. [SWMO:304.04.7] – Provide verification of NPDES, DEP or County Conservation District approval for erosion and sedimentation control.
33. [SWMO:304.04.10] – Storm water management plans shall be designed in a manner that is consistent with Section 617 of the Subdivision and Land Development Ordinance. The applicant has provided a Carbonate Assessment Report, prepared by Alpha Consulting Engineers, Inc., dated May 22, 2009 and last revised June 11, 2009. All outstanding review comments as they appear in the Township's letter dated September 24, 2009 shall be addressed prior to final plan approval.
34. [SWMO:402.03] – There appears to be an addition error for the drainage area to HW-1 (i.e.,  $0.27+0.84+0.30 = 1.41 \neq 1.11$ ). This error is reflected in the Hydraflow storm sewer calculations. Please review and revise as appropriate.
35. [SWMO:402.06] – (a.) Provide complete basin routings for the 100-year design storm through the Area 3 Basin. (b.) There is a discrepancy in the crest length for the Area 3 Berm between the detail provided on Sheet 8 (i.e., 180 ft) and the Outlet Structure Configuration and the information provided on Sheets 4 and 5 (i.e., 50 ft). Please review and revise as appropriate. (c.) There are discrepancies in the information provided for the Area #2 Basin for the outlet culvert between the detail provided on Sheet 8 (i.e., invert = 430.5 and pipe length = 30.9 ft) and the Outlet Structure Configuration (i.e., invert = 430.35 and pipe length = 39 ft). Please review and revise as appropriate. (d.) It appears that a hood structure is proposed for the outlet structure of Area #2 Basin. Please provide information relative to the affect this structure might have on the basin routings.
36. [SWMO:402.08.4] – (a.) An impoundment area with 5:1 slopes should be provided for basins without restricted access. (b.) The infiltration area should have a 5:1 slope or restricted access. Please provide a detail for the proposed fence at Area #2 Basin.
37. [SWMO:402.08.6] – Provide revised concrete collar design calculations, which reflect the current 100-year water surface elevation.

## MINUTES

### BOARD OF SUPERVISORS REGULAR SESSION

FEBRUARY 24, 2010  
6:30 PM

38. [SWMO:402.08.8 & 402.09] – (a.) There is a discrepancy in 100-year water surface elevation provided for Area #2 Basin between the plan Sheets 4 and 5 (i.e., 434.52) and the basin routing (i.e., 434.59). Please review and revise as appropriate. (b.) Provide analyses for the swale located behind Lots 1 through 4 and for the swale located between Lots 19 and 20 to demonstrate that the 100 year water surface elevation is in accordance with the requirements of this Section.
39. [SWMO:402.09] – (a.) Provide an analysis for the swale located between Lots 19 and 20 in accordance with the requirements of this Section. (b.) It appears that the starting hydraulic grade line elevation for each of the storm sewer runs does not consider conditions in the Area #2 Basin for each of the respective design storms. Please review and revise as appropriate to account for the water surface elevation in the basin.
40. [SWMO:409.09.1] – Provide a detail for the berm/swale and indicate what type, if any, of stabilization is needed.

#### ADDITIONAL COMMENTS:

41. 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.
42. Lot line adjustment from lot #10 to open space.
43. The plan must be certified by the surveyor.
44. The plan should be accompanied by a copy of the right-of-way agreement regarding the existing pipeline or a letter from the owner stating any conditions on the use of the land. (Subdivision Ordinance Section 402.06.1)
45. Common open space area does not include storm water basins and portions of land that have a width of less than 50' (Zoning, Definition-Common Open Space). Does the open space area (4.05 acres) listed on sheet 1 exclude these items? If so, this should be clarified on the plan.
46. Sufficient access to common open space from streets should be provided for pedestrian access and maintenance. (Zoning, Section 316.7.6) The open space

## MINUTES

### BOARD OF SUPERVISORS REGULAR SESSION

FEBRUARY 24, 2010  
6:30 PM

and storm water facility along the northern boundary does not appear to have street access.

47. Sheet 2 should identify existing buildings and other structures to be demolished. (Subdivision Ordinance Section 402.04.8)
48. The County review block should indicate “Cumberland County Planning Department” and provide only one signature space for Director of Planning.

The motion carried.

BRIAN T. BRENNEMAN  
2009-2F – PLANNING  
MODULE  
RESOLUTION 2010-5

On a Pierce-McLain/Lenker motion, the Board of Supervisors adopted Resolution 2010-5 revising the Township’s Act 537 Waste Water Facility Plan for the Brian T. Brenneman, final subdivision plan, 2009-2F.

The motion carried.

OTHER PERTINENT  
BUSINESS

On a Griffie/Pierce-McLain motion, the Board of Supervisors rescinded a previous Board of Supervisors motion authorizing payment of \$100 from the General Fund, for the Business Advisory Council (BAC) to join the Mechanicsburg Chamber of Commerce and to be reimbursed by the BAC when they become solvent, and approved the Township paying the \$100 to join the Mechanicsburg Chamber of Commerce.

The motion carried.

Supervisor Lenker requested that the Bourbon Red Drive drainage issue be placed on a future Board agenda, with Supervisor Spade agreeing. After a lengthy discussion, the Board agreed to discuss this matter at the March 10, 2010 Workshop meeting and to inform the residents of this agenda item.

Ms. Jan LeBlanc commented that there are other water issues of concern throughout the Township.

**MINUTES**

**BOARD OF SUPERVISORS  
REGULAR SESSION**

**FEBRUARY 24, 2010  
6:30 PM**

Ms. Joyce Booz, a Brook Meadow resident, informed the Board that the Brook Meadow Development is progressing nicely and that the Attorney General is filing a class action suit against Altieri Homes.

EXECUTIVE SESSION

The Board recessed to an Executive Session to discuss a personnel matter at 8:40 pm and returned at 9:25 pm.

Supervisor DiFilippo questioned the deadline date to place an employment ad in The Patriot News for this Sunday, advertising for a Police Superintendent. Supervisor Griffie will provide the employment ad to staff on Thursday morning.

Supervisor DiFilippo asked Ms. Martini to provide an update on the building appraisal and building inspection. Ms. Martini informed the Board that appraisals were received today and will have an executive summary included in this Friday's Board packets.

It was suggested that the Conservation and Preservation Committee and the New Kingstown Vision both have a vacancy on their committees and should be advertised in the Township newsletter. Also, the Township will be establishing an email list for distributing agendas.

ADJOURNMENT

There being no further business or comments to come before the Board, the meeting was adjourned at 9:38 pm by general consensus.

Recorder: \_\_\_\_\_  
Kathy K. Kramer

APPROVED: \_\_\_\_\_  
Chairman

\_\_\_\_\_  
Assistant Secretary